

Robert L. McBrien to be postmaster at Huntington, N. Y., in place of R. L. McBrien. Incumbent's commission expires March 11, 1928.

Charles Blackburn to be postmaster at Southampton, N. Y., in place of Charles Blackburn. Incumbent's commission expires March 11, 1928.

Harry B. McHugh to be postmaster at Wallkill, N. Y., in place of H. B. McHugh. Incumbent's commission expires March 11, 1928.

NORTH CAROLINA

Richard J. Pace to be postmaster at East Flat Rock, N. C., in place of R. J. Pace. Incumbent's commission expired February 11, 1928.

NORTH DAKOTA

Ole H. Opland to be postmaster at Mott, N. Dak., in place of C. A. Vasey. Incumbent's commission expired February 19, 1927.

OHIO

Howard E. Foster to be postmaster at Chagrin Falls, Ohio, in place of H. E. Foster. Incumbent's commission expires March 5, 1928.

Frank H. Shaw to be postmaster at Germantown, Ohio, in place of F. H. Shaw. Incumbent's commission expires March 5, 1928.

OKLAHOMA

Ada M. Thompson to be postmaster at Mannford, Okla., in place of A. M. Thompson. Incumbent's commission expires March 7, 1928.

OREGON

David S. Young to be postmaster at Dufur, Oreg., in place of L. S. Young. Incumbent's commission expires March 7, 1928.

Don Ellis to be postmaster at Garibaldi, Oreg., in place of Don Ellis. Incumbent's commission expires March 7, 1928.

Fred C. Holznagel to be postmaster at Hillsboro, Oreg., in place of F. C. Holznagel. Incumbent's commission expires March 7, 1928.

Thomas G. Hawley to be postmaster at Multnomah, Oreg., in place of T. G. Hawley. Incumbent's commission expires March 7, 1928.

PENNSYLVANIA

Isaac A. Mattis to be postmaster at Millersburg, Pa., in place of I. A. Mattis. Incumbent's commission expired February 15, 1928.

Nathaniel Shaplin to be postmaster at Windgap, Pa., in place of Nathaniel Shaplin. Incumbent's commission expires March 5, 1928.

John H. Eckert to be postmaster at Gettysburg, Pa., in place of R. C. Miller, resigned.

PORTO RICO

Nicholas O. Lebron to be postmaster at Albonito, P. R., in place of N. O. Lebron. Incumbent's commission expires March 7, 1928.

Jose E. Guenard to be postmaster at Mayaguez, P. R., in place of J. E. Guenard. Incumbent's commission expires March 7, 1928.

Roque Rodriguez to be postmaster at Ponce, P. R., in place of Roque Rodriguez. Incumbent's commission expires March 7, 1928.

Juan V. Hernandez to be postmaster at San Sebastian, P. R., in place of J. V. Hernandez. Incumbent's commission expires March 7, 1928.

L. Castro Gelpi to be postmaster at Vieques, P. R., in place of L. C. Gelpi. Incumbent's commission expires March 7, 1928.

TEXAS

Louise Sackett to be postmaster at Bullard, Tex., in place of E. A. Kirkpatrick. Incumbent's commission expired December 19, 1927.

Walter E. Hall to be postmaster at Lufkin, Tex., in place of W. L. Evans. Incumbent's commission expired December 19, 1927.

Fannie Dawson to be postmaster at Wilson, Tex., in place of Fannie Dawson. Incumbent's commission expired March 1, 1928.

John T. Hopkins to be postmaster at Longview, Tex., in place of E. H. Angell, resigned.

Willie M. Prouty to be postmaster at Wallis, Tex., in place of J. R. Ratcliff, resigned.

UTAH

Agnes Turnbull to be postmaster at Scofield, Utah, in place of F. C. England, resigned.

WEST VIRGINIA

Nina E. Welch to be postmaster at Camden on Gauley, W. Va., in place of N. E. Welch. Incumbent's commission expired December 18, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1928

FOURTH JUDGE, CIRCUIT COURT OF HAWAII

Edward M. Watson to be fourth judge, Circuit Court, First Circuit of Hawaii.

UNITED STATES ATTORNEY

James W. McCarthy to be United States attorney, district of New Jersey.

UNITED STATES MARSHALS

Oscar P. Cox to be United States marshal, district of Hawaii. Cooper Hudspeth to be United States marshal, western district of Arkansas.

Frederick L. Esola to be United States marshal, northern district of California.

POSTMASTERS

DELAWARE

George W. Mitchell, Ocean View.

KENTUCKY

Mattie R. Tichenor, Centertown.

Harvey H. Pherigo, Clay City.

Egbert E. Jones, Milton.

Charlie H. Throckmorton, Mount Olivet.

MISSISSIPPI

Susette E. McAlpin, Bolton.

Lillie Burns, Brandon.

Homer B. Griffing, Bude.

James T. Skelton, Goodman.

Pink H. Morrison, Heidelberg.

Stella M. Lewis, McLain.

Mattie B. Bounds, Overt.

Francis C. Hayden, Vaughan.

William J. Stephens, Webb.

NEVADA

Belle Roberson, Beatty.

NEW YORK

Clare L. Masten, Athens.

Laurance C. Baker, Comstock.

Harry L. Hedger, Glen Cove.

Nell S. Barclay, Hillsdale.

John H. Quinlan, Pavilion.

Asa C. Rowland, Salamanca.

Conrad Happ, Sparrow Bush.

Walter W. Tilley, Theresa.

William R. Fitch, West Winfield.

James Richtmyer, Windham.

NORTH CAROLINA

Frank L. Smith, Drexel.

OKLAHOMA

Nellie V. Dolen, Okemah.

Charles C. Chapell, Okmulgee.

PENNSYLVANIA

Harvey J. Smoyer, Clairton.

George G. Wallace, Ruffs Dale.

Hugh D. Shallenberger, Vanderbilt.

Edmund W. Tomb, Youngwood.

HOUSE OF REPRESENTATIVES

Monday, March 5, 1928

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, truly it is a noble art to appreciate our blessings and to count them worthily. "The Lord God is a sun and a shield; He will give grace and glory; no good thing will He withhold from them that walk uprightly." Help us to stand on our feet, hold our heads erect, and look life straight in the face. Take from us any ignoble spirit, and at any sacrifice firmly hold us by the golden rule, whose gold is good. Bless all institutions that help and succor man. Come to our country in such a progress that we shall be able to see and understand Thy

guidance. O make Thyself present in all our national affairs, that they shall move forward in a steady stream of splendid Christian development. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of Saturday, March 3, 1928, was read and approved.

PUEBLO LANDS IN THE RIO GRANDE VALLEY, N. MEX.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 700, with amendments.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to take from the Speaker's table Senate bill 700, which the Clerk will report.

The Clerk read as follows:

A bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MORROW. Now, Mr. Speaker, I move to concur in the Senate amendments and offer a substitute amendment.

The SPEAKER. The gentleman from New Mexico moves to concur in the Senate amendment and offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. MORROW: Page 3, line 18, after the colon, strike out everything down to the colon in line 24, same page, and insert in lieu thereof the following:

Mr. MORROW moves to recede and concur in the amendments of the Senate to the amendment of the House to S. 700 with an amendment in the nature of a substitute for the Senate amendments striking out the following on page 3 of the House bill: "Provided, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Pueblo or individual Indian ownership," and inserting in lieu thereof the following: "Provided, That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed Pueblo lands, whether leased by Indians or others, Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further*, That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further*, There is hereby created against newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands, which lien shall not be enforced during the period that the title to such lands remains in the Pueblo or individual Indian ownership."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, does this come with the action of the committee?

Mr. MORROW. Yes; with the consent of the committee.

Mr. CHINDBLOM. The consent is not what I am asking about. Was this acted upon by the committee?

Mr. MORROW. Not by the committee of the House.

Mr. CHINDBLOM. Mr. Speaker, I withdraw my reservation of an objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the substitute amendment.

The substitute amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to be allowed to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE PUEBLOS

Mr. CRAMTON. With reference to the action just taken, Mr. Speaker, the amendment which the gentleman from New Mexico has offered is quite important and quite helpful to the Senate bill. It makes clear some ambiguities which existed in the bill and in the amendments which were made by the Senate.

It makes clear that the Indians are to have priority in securing leases to these lands. It accepts the provision that the Senate offers, that as to the first 4,000 acres cultivated by the Indians the individual Indians shall not be obliged to pay rental thereon. It makes clear also that such 4,000-acre exemption

from rentals does not exempt the 4,000 acres from the lien carried by the bill. It goes further and provides that the 15,000 acres of lands now unimproved shall be subject to the lien only for the cost of improvement of these 15,000 acres.

EFFECT OF THE MORROW AMENDMENT

Heretofore the bill has provided for a lien on the 15,000 acres now unimproved for the full \$1,500,000 to be expended on that land and on the 8,346 acres now partially improved. Under the Morrow amendment the 15,000 acres will be subject to a lien of about \$1,000,000, covering the expenditure for that 15,000 acres alone. In other words, the Government is to expend \$1,500,000 for the benefit of these Pueblo lands. The Senate has yielded to the insistence of the House that the whole amount expended shall eventually be returned to the Treasury. That is only fair, for the House language also requires that none of these lands shall be included in the project except such as the Secretary of the Interior finds are "materially benefited by this work." But no contribution is sought from the Indians, nothing is taken from the greatly increased production from the 8,346 acres, no lien is placed on the 8,346 acres. The whole amount is to be reimbursed from the proceeds of leases of the 15,000 acres which are now unused and unproductive and which will be made usable and productive by the expenditure of Government funds, loaned for a very long period, 30 to 50 years, without interest.

COLLIER CAMPAIGN FAILS

After unusual consideration and discussion the campaign of John Collier to discredit the House action and confuse the issues involved failed, and failed miserably. The Senate accepted the House position as to full reimbursement, on a roll call, by the decisive vote of 59 to 13.

The Senate provided that of the 15,000 acres to be reclaimed individual Indians may use up to 4,000 acres without paying any rental, the lands all being in tribal or pueblo ownership. The House accepts that provision, emphasizing further the generous attitude of the Government in this matter.

The action of the House to-day further assures the Indians of a preferential right to use of the 11,000 acres remaining of the lands to be reclaimed. It further provides that of the debt of \$1,500,000, only one million shall be secured by any lien on the Indian lands, a lien which is not to be enforced so long as the lands are in Indian ownership. The balance of \$500,000, incurred through improvement of the 8,346 acres, and to which acreage no lien attaches, is an unsecured debt. The whole debt, however, is to be paid from the proceeds of leases of the newly reclaimed lands, and the House amendment just adopted provides that those proceeds of leases shall be first applied to payment of the unsecured debt.

While the House amendment just adopted still maintains the principle of full reimbursement, it makes the bill more favorable to the Indians, is approved by Mr. Meritt, of the Indian Bureau, and it is to be hoped it will be readily accepted by the Senate and that this very important measure will soon become law.

EFFECT OF S. 700 AS AMENDED

In considering the Senate amendment to the House amendment and the general terms of the bill, I asked certain information from the Indian Office and have received the following letter which I think should be placed here as a part of the permanent record in connection with the consideration of this bill in Congress. The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 2, 1928.

MY DEAR MR. CRAMTON: This is in reference to your personal inquiry relative to the interpretation this bureau would place upon the several questions propounded by you dealing with pending legislation affecting the Middle Rio Grande conservancy district and several pueblos in New Mexico.

The ownership of the cultivated area approximating 8,300 acres of pueblo lands is vested in the pueblos as communal property of the members of the respective pueblo.

The ownership of approximately 15,000 acres not now irrigated is likewise vested in the pueblos as communal property of the members of the respective pueblo.

With reference to the provision dealing with reimbursement making such reimbursement only from the proceeds of leases from newly reclaimed pueblo lands except such part thereof as the Indians shall themselves farm not to exceed 4,000 acres, this bureau would interpret this provision as confining the area to be leased at not to exceed 15,000 acres from which reimbursement from the proceeds of such leases would be used to repay the Government. This 15,000 acres would be reduced to 11,000 acres if the Indians themselves farmed the 4,000 acres of the new lands referred to in Senator CURTIS's amendment. This 4,000 acres,

however, would be subject to the exception of payment of lease rentals only in the event of and to the extent that the area is actually farmed by the Indians.

The rentals to be charged would be governed by economic conditions. At the present time much, if not practically all, of this 15,000 acres would require some expenditure after the conservancy works have been completed before the land could actually be farmed so that the per acre cash rentals would not be as great as they would be after the land had once been subdued and placed under cultivation. There would be no question of renting any of the newly reclaimed land to the Indians until after the 4,000 acres above referred to had been placed by the Indians under cultivation. After that has been accomplished, should the Indians desire to rent additional lands to increase further their farming area it would be the policy of this bureau to encourage such Indians and thereby give a preference right to such Indians to lease additional areas, requiring them, however, to pay a fair value for the rental of the area to be farmed by any such Indians. In this respect the per acre rental undoubtedly would be the same from the Indian as from any white lessee.

At the present time the pueblo as a pueblo does not get a rental from the individual Indians assigned tracts of land, as such Indians have an interest in the pueblo. It would, therefore, follow that the Pueblo as a tribe would not derive any direct monetary benefit from lands cultivated by Indians up to the 4,000-acre exception. In excess of this area the benefit to the Pueblo as a tribe would be in the nature of reducing the amount of the indebtedness by reason of payment of the lease rentals which are to be used for that purpose. Ultimately the respective pueblos, after payment of the total indebtedness against them has been effected, will have an area of land to the extent of that reclaimed under the conservancy district of a considerably enhanced value.

Operation and maintenance assessments against the newly reclaimed lands will, with reference to such areas that are under lease, be taken care of by provision in the lease requiring the lessees to pay the annual costs accruing during the period of the lease.

This would apply to both white and Indian on the areas in excess of the 4,000 acres of the newly reclaimed lands after the said 4,000 acres have been placed under cultivation and are being cultivated by the Indians. With reference to the excepted 4,000 acres up to the time that the Indians themselves cultivate the total area any of such area that may be leased to whites would contain the lease provision above referred to. Any part of that excepted area up to and including the 4,000 acres would, it would seem, have to be operated and maintained by the Indians cultivating such area. It would be a manifest injustice to require the pueblo as a pueblo to stand the cost of such operation and maintenance. The Indian cultivating the area would be the one to benefit, and equitably should pay these costs.

It is expected that, after the completion of this project and the lands are once put in cultivation, we will be able to receive a rental of probably \$5 per acre; and later, when the land is thoroughly subdued, it will bring an even higher price, probably \$6 per acre.

The following tabulation sets out the areas of cultivated lands; also the areas of lands not yet irrigated on the respective pueblos:

Indian lands

Pueblos	Net area under proposed project	Present cultivated		Raw, to be cultivated
		Indians	Whites	
Cochiti	2,026	705	525	796
Santo Domingo	4,909	1,440	224	3,245
San Felipe	4,133	1,111	17	3,005
Santa Ana	1,396	636	28	732
Sandia	4,277	532	325	3,420
Isleta	6,711	2,555	93	4,063
Indian school land	155	155		
	23,607	7,134	1,212	15,261
		1,212		
		8,346		

With reference to the 1,212 acres cultivated by whites within the six pueblos in question, you are advised that this land is temporarily in the possession of certain non-Indians who claim adverse possession. The Pueblo Lands Board will investigate these claims, and it will be determined at a later date as to the ownership of this land. If any of this land is held to be in the ownership of non-Indians, the owners thereof will be required to pay construction costs, operation and maintenance, and all other charges, the same as other white people within the conservancy district.

You will understand that the foregoing represents the views only of the Indian Office and is furnished in response to your personal request.

Cordially yours,

CHAS. H. BURKE, Commissioner.

HON. LOUIS C. CRAMTON,
House of Representatives.

BILL ENDANGERED BY AMERICAN INDIAN DEFENSE ASSOCIATION LOBBYIST

Action on this measure, which means so much to the Indians as well as to the State of New Mexico, has been greatly impeded and its enactment into law greatly imperiled by the misrepresentations and the threats of John Collier, as the Washington lobbyist for the American Indian Defense Association (Inc.), said to include in its membership many persons of high ideals, who no doubt are aware that his aims and methods are obstructive and destructive rather than constructive. I have heretofore discussed him and his methods, as well as his colleague, Grorud, against whom disbarment proceedings are pending in Montana for frauds upon Indian clients. Of Collier, Senator WALSH of Montana said the other day in Senate debate on the Interior Department appropriation bill, "He has not a particle of business sense." And still he presumes to issue orders to Congress on a matter involving expenditure of \$1,500,000 and to issue threats that he will secure a veto by the President and, failing that, will tie everything up in the courts.

It is time Congress took note of such lobbyists here and exposed their activities. I think a congressional investigation of such organizations and their funds, how much money they collect from the public, and how they spend it, and, especially, how much of it goes to their officers and lawyers. They are getting to know these folks down in the Southwest. The other day the Albuquerque Journal had this editorial, which is worthy of note:

PROFESSIONAL "UPLIFTERS"

Washington dispatches report growing resentment among Members of both the Senate and House against the activities of an army of white agitators, professional "uplifters," and spokesmen working among the Indians that may lead to an investigation of such men as John Collier, executive secretary of the American Indian Defense Association (Inc.).

Collier has seized upon the Middle Rio Grande conservancy measure, as he has done in every available instance of Indian legislation, to work up sentiment among his following of well-meaning persons who do not fully understand the situation, to the end of securing more members of his incorporated association and larger contributions. This phase of his work ought to be investigated.

Collier has been destructive in his attitude on the conservancy measure as he has in almost every other instance. He peddles misinformation, but he is always against the Government. As when defending Sacco and Vanzetti, as Congressman CRAMTON pointed out, so he is at all times sure his Government is wrong. * * *

Congressman CRAMTON, in his address in the House, fully answered the charge that an agreement with the conservancy district, with the Indian Bureau, or others, had been violated in amending the bill in the House. Mr. CRAMTON said his committee, or Congress, never was party to any agreement that would have adopted the principle of gratuities to the Indians. That principle the Indian Bureau and Congress has opposed for years. Mr. Collier had been working to get gratuities for Indians while Congress and the Indian Bureau has maintained there is no gain for the Indian in teaching him to be a mendicant or to expect gifts from the Government. The Indian Bureau has spent money liberally to educate the Indian, to improve his land, and to help him be self-supporting. The amendments of Mr. CRAMTON were in line with this policy. The Indians' land was not to be taken away; instead it was to be reclaimed. Whereas the six pueblos now have some 8,000 acres of irrigated land, they were to have that improved and 15,000 more acres made available for irrigation. They were to be required to pay back to the Government what it cost for the work, not from their present 8,000 acres, but from the newly reclaimed land, and then only from rentals or leases of the land.

The Indians will benefit more than the white landowners from the conservancy measure as it was passed by both Houses, and as it would have become a law if Mr. Collier had not stirred up the trouble he did.

Professional "uplifters" like Mr. Collier ought to be exposed so that people who are providing them with funds under mistaken conceptions of their activities will come to know the truth. They thrive on being destructive, while the Indian Bureau and Government go along working constructively to help the Indian be something more than a mendicant.

People of the Middle Rio Grande Valley have no quarrel with the Indians and the conservancy measure would now be a law and plans for reclamation well under way, if it had not been for this professional agitator. Instead of the conservancy officials being in Washington working to pass the measure again, they would be in Albuquerque settling upon the final plans for reclamation and making ready to get work started.

But these "uplifters" would rather be against the Government than with it helping to do constructive work. It's their profession, their living; nothing more.

REFRESHING ACTION OF MISSIONARY BOARDS

The principal objective of this "uplifter" is the undermining of public confidence in the governmental administration of Indian affairs. Because he happens to be Commissioner of Indian Affairs, and not because of any lack of zeal, ability, or integrity, he is the mark at whom Collier launches daily attacks the year around.

It is refreshing, therefore, to note the recent action of the Home Missions Council, an interdenominational body of home-mission boards and societies of 28 Protestant denominations, as follows:

National Baptist Convention; Northern Baptist Convention; Christian Church; Church of the Brethren; Congregational; Disciples of Christ; Protestant Episcopal Church; Evangelical Church; Evangelical Synod of North America; Friends; United Lutheran Church; African Methodist Episcopal Church; African Methodist Episcopal Zion Church; Free Methodist Church; Methodist Episcopal Church; Methodist Episcopal Church, South; Methodist Protestant Church; American Moravian Church; Presbyterian Church, United States of America; Presbyterian Church, United States; United Presbyterian Church of North America; Christian Reformed Church; Reformed Church in America; Reformed Church in the United States; United Brethren in Christ; United Church of Canada.

All of these boards and societies have missionaries among the Indians and have a wide and intimate contact with the Government's administration of Indian affairs. No doubt they differ with the Indian Bureau from time to time, no doubt they note mistakes of judgment, no doubt they come in contact with inefficiency in the field—what organization made of humans is without these? But these organizations which stress cooperation, respect their Government and seek to build up rather than belittle and tear down. They can afford to be just. This is the text of a resolution adopted by the joint session of the Home Missions Council and Council of Women for Home Missions at Cleveland January 24, 1928:

Resolution

Voted, That a telegram be forwarded to the Hon. Charles H. Burke, Commissioner of Indian Affairs, Washington, D. C., assuring him of appreciation for his high-minded, Christian attitude toward the work of all boards and societies in Indian fields, and expressing deep confidence in his integrity and that of his associates of the Indian Office; furthermore, that this telegram be recorded in the minutes and be given prominence in the public press.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to address the House for three minutes and explain the measure.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker and ladies and gentlemen of the House, concerning this measure which passed this House once before by a substitute amendment and was amended again in the Senate, I wish to make my position absolutely clear to the membership of the House, so that the action of the Senate shall be understood. We agreed upon the bill as it passed the Senate, but there was some question as to the language, as to whether or not it exempted 4,000 acres of land belonging to the Indians without a lien.

It was thought best that this substitute amendment be enacted so as to clarify that situation. There were some other matters in the language that were clarified, and this amendment provides that the lands shall be cultivated. There is also this provision; there is a restriction made that the 15,000 acres of Indian lands shall only bear a lien of \$67.50 per acre and not the \$1,592,000, as it was originally intended, so that the entire amount expended by the Government on the Indian land shall be repaid from the proceeds of leases upon the newly reclaimed 15,000 acres of Indian land. In other words, it is an attempt to meet the situation so that the Indians and those who are in sympathy with the Indians shall be entirely satisfied with the legislation as passed.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to address the House to-morrow for 30 minutes immediately after the reading of the Journal.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, by special arrangement it has been agreed that we shall bring up the constitutional amendment to-morrow. The rule provides

for five hours of general debate, and I wish the gentleman would ask this permission for some other day when we do not have so much before us as we have for to-morrow.

Mr. BRAND of Ohio. Mr. Speaker, I will modify my request and ask for this time on Wednesday.

Mr. SNELL. We have the White constitutional amendment and the radio bill under special order to come in as quickly as we can get them out of the way.

Mr. BRAND of Ohio. Will the gentleman suggest a time?

Mr. SNELL. I think Saturday would be all right.

Mr. BRAND of Ohio. Mr. Speaker, I will modify my request and make it Saturday.

The SPEAKER. The gentleman from Ohio modifies his request and asks unanimous consent that he may be permitted to address the House for 30 minutes on Saturday next. Is there objection?

Mr. HASTINGS. Mr. Speaker, are we going to be in session on Saturday?

Mr. SNELL. I understand we will be in session on Saturday, because we have plenty of business.

Mr. HASTINGS. I suggest that the gentleman make his request for Friday.

Mr. SNELL. I would not object to the gentleman having the time after the completion of the radio bill on Friday, if we have the time on that day.

Mr. BRAND of Ohio. Will the radio bill be before the House on Friday?

Mr. SNELL. We are going to consider the radio bill. When we finish the constitutional amendment that will be in order. Of course, we can not tell the amount of time that will be consumed on the constitutional amendment.

Mr. BRAND of Ohio. Mr. Speaker, I ask that I be permitted to address the House for 30 minutes on Friday next if there is an opportunity; and if not, then on Saturday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that he may be permitted to address the House for 30 minutes at the conclusion of the consideration of the radio bill on Friday, and in case that bill shall not have been completed on Friday that he may be permitted to address the House on Saturday. Is there objection?

There was no objection.

CONSTITUTIONAL AMENDMENT

Mr. DYER. Will the gentleman from New York permit an inquiry?

Mr. SNELL. I will.

Mr. DYER. I understand the gentleman proposes to bring up the so-called Norris resolution on Friday.

Mr. SNELL. To-morrow.

Mr. DYER. Under a special rule?

Mr. SNELL. Yes.

Mr. DYER. I will state to the gentleman that I intended to raise the question of consideration to that resolution on the ground that it had not been referred to the proper committee, the Committee on the Judiciary, which has jurisdiction over constitutional amendments.

Mr. SNELL. It would be too late.

Mr. DYER. But, under the rules, I doubt the possibility of having such a question sustained by the Chair.

Mr. SNELL. I think it is too late to bring up the question of consideration now.

Mr. DYER. We can raise it prior to its being considered, but if it is brought up under a special rule I doubt whether under the rules we could raise that question.

NAVAL SHIPBUILDING BILL

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the naval bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the Record on the naval bill. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, according to the information given me, over 82 per cent of all of our revenues are now expended in support of our military policies. Making a historical comparison with other nations, when this sum is increased 10 additional per cent, then, unless this Nation becomes engaged in war with some other power, an internal combustion will be inevitable. As long as the United States has sufficient aircraft no one will deny that it will be impossible for any army to land on our shores; therefore, the pacifist at the present time is a less dangerous citizen than the radical militarist.

I regret exceedingly to have a different viewpoint on the subject of national defense from all of the other members of the House Naval Affairs Committee. I see nothing at the present

time that would cause any citizen of the Nation to feel that there are war clouds on the horizon at this time. Therefore, I have endeavored to discover the real reason for the propaganda put in motion, favoring enormous expenditures for certain types of ships, and this report will attempt to prove that the 15 cruisers authorized in this bill are not needed.

The foundation of the proposed naval legislation, calling for 15 cruisers, rests upon the assumption that England has far greater cruiser strength than the United States, when, in truth, according to the figures given me, if a proper allocation is made, the United States has 99,924 more tons of cruiser strength than England. As a corroboration of this fact I specifically refer to Schedule A, which is a fair classification of the various kinds of ships which fall in the cruiser type.

I will offer a motion to substitute 15 submarines of the latest type, constructed in such a manner as to have all of the latest safety devices, these to take the place of the 15 cruisers.

I will offer another motion to authorize the expenditure of \$1,000,000 on each of the 18 battleships for the purpose of providing an extra platform, constructed immediately above the turret guns, suitable for aircraft purposes, thereby making each of these ships its own aircraft carrier, having in mind that such an addition would not obstruct the use of the turret guns, and at the same time enable large bombing planes to be utilized in attacking an enemy for a distance of approximately 200 miles away.

I will offer a motion to strike out the authorization for one additional aircraft carrier, costing the sum of \$19,000,000, if the above motion is accepted by the House of Representatives.

The members of the Naval Affairs Committee have been told that the five world powers, England, France, Italy, Japan, and the United States, will participate in a disarmament conference during the year of 1931. Therefore, no one can deny that unless ships are laid down of a certain type within the next three years an agreement made at this conference would prevent the expenditure of the \$274,000,000 proposed in this bill.

The members of the Naval Affairs Committee have been told by the representatives of shipbuilding corporations who testified before the committee that it will take approximately three years to complete a cruiser. Therefore, if this bill becomes a law in its present form, and the conference in 1931 would agree to a reduction of tonnage of cruisers, then the United States would be in the same ridiculous position it found itself in in 1922 when approximately \$300,000,000 were wasted in scrapped new ships.

CRUISER COMPARISON WITH OTHER NATIONS

England is the only nation that is claimed to have a superiority of cruisers over the United States. I make the statement from the figures given me that the cruiser strength of the United States compared with England (using the classification relative to tonnage) is so nearly balanced that it would take a Houdini to decide which country has the advantage. The following tables are submitted in proof of this statement. Cruisers, when correctly classified as to tonnage, will fall into the following schedules:

SCHEDULE A

Types of surface ships (cruisers)

	Tonnage
Destroyers (small cruisers)-----	1,000 to 5,000
Cruisers (usual size)-----	5,000 to 15,000
Battle cruisers (large)-----	15,000 to 25,000
Battleships (extra large)-----	25,000 to 35,000
UNITED STATES	
282 cruisers (destroyer type), tonnage 1,000 to 5,000-----	423,000
40 cruisers (new, old, etc.), tonnage 5,000 to 15,000-----	320,000
Total-----	743,000
ENGLAND	
208 cruisers (destroyer type), tonnage 1,000 to 5,000-----	413,710
13 cruisers (new, old), tonnage 5,000 to 15,000-----	91,066
14 cruisers (authorized), tonnage 5,000 to 15,000-----	138,300
Total-----	643,076

The cruiser strength favorable to the United States when old ships are included, which, according to testimony presented before the Naval Affairs Committee, are the best adapted ships we have for river service in China and the Philippines, because some of our cruisers have guns up to 10-inch in size and superior quarters for the officers and men.

Total excess favorable to United States----- 99,924

Thirty-six of the forty-nine so-called cruisers belonging to England have a tonnage of less than 5,000; therefore it can be said that these are large destroyers and can be classified as such; however, our destroyers have an excessive speed over every ship in this schedule.

SUBMARINES

Undersea craft, the only kind that can navigate the ocean alone.

The type of ship that can operate closest to the harbors of the world.

The ships that have proven the greatest menace to commerce.

The type that destroyed in 1917, 5,000,000 tons of allied commerce and struck terror to the hearts of the civilized world.

France has authorized 27 of the newest type and has 20 under way.

Italy has authorized 20 of the newest type and has 12 under way.

Japan has authorized 24 of the newest type and has 14 under way.

England has authorized 24 of the newest type.

United States has 6 of the newest type, with only 3 completed.

Thus, it can be said, if the members of the Naval Affairs Committee are charged with the responsibility of keeping this Nation properly prepared for any kind of an emergency and war should suddenly come upon us, this Nation would not have the proper equipment to prevent our commerce from being paralyzed, and it would be necessary immediately to authorize an emergency submarine building program which could not be completed until frightful damage had been inflicted by the enemy.

AIRCRAFT CARRIERS

Aircraft carriers are an absolute necessity for the successful functioning of any fleet in the future. At the present time no bombing planes are carried on battleships or cruisers for the reason that they are too large to be successfully launched on such ships. Battleships, as I now view them, are suitable only for peace-time purposes; but with the addition of a light upper deck placed above the turrets, it should enable each ship of this type to be its own aircraft carrier, thereby enabling the same to combat an enemy at a distance of 200 miles before the same came within gun range. It is proposed to expend practically \$100,000,000 for the elevation of guns and the making of certain other additions on battleships. In my opinion, the expenditure of \$18,000,000 would do away with the necessity of this large expenditure and at the same time restore the battleship to its proper place in the estimation of the people as being the most useful type of ship in a fleet.

CONCLUSION

I take the position that as long as everyone admits that our aircraft is sufficient to prevent any hostile forces from invading this country, it is the first duty of our legislative bodies to provide the means necessary to take care of the internal affairs of the Nation. Agriculture is the basic foundation of this country. The failure of the Nation to provide sufficient food will clog every channel of commerce, and bring about a condition that will paralyze the citizenship; therefore, before this country engages upon a military-expansion program, the advisability of which is questioned by a large percentage of our citizens, it seems to me that such subjects as farm relief, flood control, and others that relate to the very bone and sinew of the Nation should receive consideration.

I further say that in making additions to our Navy the Congress should have in mind the building of the kind of ships that will make our Nation sufficiently efficient to take care of any kind of an emergency. That the Navy being the first line of defense should be composed of warships—suitable for war—rather than a lot of ships that can operate only in protected zones in time of war. If we have a lot of obsolete ships, the men and officers should be taken off the same and assigned to the large number of destroyers which are now tied up to the docks at Philadelphia and San Diego, thereby building up an arm of defense that was found to be the most valuable during the World War. I am in favor of voting every dollar that this Nation needs to provide adequate defense. However, I am not willing to expend \$274,000,000 to stem a depression in the shipbuilding industry and to provide additions to the Navy in the way of personnel and luxurious quarters on a type of ship that can not be used in time of war without the aid of submarines and aircraft.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

ADDITIONAL JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The first business on the Consent Calendar was the bill (H. R. 9200) to provide for the employment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask that this bill and the one following it may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill and the following bill may be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE AND ROAD ON THE HOOPA VALLEY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

WORLD WAR MEMORIAL

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this additional appropriation is made necessary by reason of a certain kind of stone that was used. I would like to ask the introducer of the bill or the gentleman who reported it what stone was used in this particular building?

Mr. LUCE. I am not sure whether it is the marble from Vermont or North Carolina.

Mr. LAGUARDIA. Could the gentleman obtain that information during the course of the day?

Mr. LUCE. I certainly could; but may I ask the gentleman if he deems it of importance?

Mr. LAGUARDIA. Of great importance, because we have had a condition in this country where, due to the issuance of a most outrageous injunction, several thousand men have been compelled to work under involuntary servitude, and I do not believe a memorial of this kind should be marred by having been constructed under such conditions. I shall reserve my right to object until that point is clarified to remove any stain upon this memorial.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

OIL AND GAS PROSPECTING PERMITS AND LEASES

The next business on the Consent Calendar was the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this is not a private bill and should not this bill be considered on the Private Calendar?

Mr. WINTER. The Public Lands Committee was of the opinion that it should go on the Consent Calendar.

Mr. LAGUARDIA. It is only for the benefit of the Oregon Basin Oil & Gas Co. It seems to me the bill is entirely a private bill. We have gentlemen who take an active interest in that calendar and I would like to have it transferred to the Private Calendar.

Mr. WINTER. The terms of the bill are general and mention no company as being the beneficiary of the bill.

Mr. LAGUARDIA. Both the report and the decision of the court is so clear that it is for the benefit of the particular company I have mentioned, the Oregon Basin Oil & Gas Co., I do not believe the gentleman will contend that it has any other purpose except to grant relief to that particular company. This being so, I wish the gentleman would remove it to the Private Calendar, where Members who are specialists in that kind of legislation can give it their attention.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

HOSPITAL AT FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is an illustration of a class of bills that are an unnecessary burden, in my judgment, upon the Consent Calendar.

This bill very possibly, and the next bill following it certainly, propose to authorize an appropriation where, in my judgment, there is now authority for the appropriation. This bill comes here recommended by the Indian Bureau and by the Budget, whereas if the Indian Bureau would recommend the appropriation and the Budget would recommend the appropriation, and it came up in the deficiency appropriation bill next May, it could be taken care of without the passage of this legislation.

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield to the gentleman.

Mr. O'CONNELL. May I ask the gentleman if he knows, approximately, what this hospital is going to cost?

Mr. CRAMTON. My impression is the bill fixes the limit of cost.

Mr. O'CONNELL. The gentleman from Montana can probably enlighten us.

Mr. CRAMTON. But that, of course, is a little apart from what I am suggesting now. Thirty thousand dollars is the limit of cost.

It is my impression, Mr. Speaker, that the Budget Office, when a bill goes to the Budget, proposing new legislation to authorize an appropriation, they would protect the calendars of the House and would protect the purposes of the Budget system if they would state that the item is already authorized by law and that, if presented to them in the regular way in connection with an appropriation bill, it would have their consideration. The difficulty is when it goes in the way this bill does, the only question considered by the legislative committee is whether the expenditure is a desirable one. When it goes in the appropriation bill there is to be considered not only whether it is a desirable appropriation, but whether it is more urgent than other desirable items of a similar character, because we are not able in one year to take care of all the desirable needs.

In this particular case, Mr. Speaker, I am not going to object. It has been reported from the legislative committee, it is for a desirable purpose, and I am not going to object; but I believe this ought not to stand as a precedent, and a somewhat different policy on the part of the Budget ought to obtain.

I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to cause to be erected a building upon Government property at Fort Bidwell, Calif., to be used for a hospital for the Indians.

SEC. 2. For the purpose of erecting such building there is authorized to be appropriated the sum of \$30,000 or so much thereof as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SCHOOL BUILDING AT FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to cause to be erected a school building upon Government property, Fort Bidwell, Calif., to be used for the education of Indian children.

SEC. 2. For the purpose of erecting such building there is authorized to be appropriated the sum of \$30,000 to carry out the provisions of this act.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 8, after the word "of," insert the words "not more than."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRANTING PENSIONS TO UNITED STATES DEPUTY MARSHALS OF THE DISTRICT COURT FOR WESTERN DISTRICT OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 5709) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I had occasion to object to this bill a month ago. I considered it very carefully during the time intervening. I do not like the thought of doing an injustice to men who no doubt performed very dangerous service at a perilous time, but it seems to me that it would be unwise to adopt this legislation. It will create a precedent that is going to be dangerous. We are going to establish a precedent by which other marshals and other officials will come in in the future and point to this as a reason why we should vary from the customary program and grant special pensions under special circumstances.

Mr. DYER. Mr. Speaker, I do not agree that this would establish a precedent because there never has been and never will be such a case brought to the attention of Congress again, where men rendered the services that these men rendered, which were not only dangerous but involved the loss of many lives. There is no other way that the Government can testify to their great service. I think we should not object to their having this small consideration. There are only a few of them. It would not in my judgment or the judgment of the committee that reported the bill be a precedent.

Mr. McKEOWN. Will the gentleman yield? I want to say that a peculiar situation was found in the Indian Territory. The Indians were moved out, and it immediately became the refuge for many criminals in the United States. They went into that country, lived out there in the Indian country, and the United States went to work, sent its marshals in there and there never was a more perilous work done by men than there was at that time. The civilization and law that came out of that Territory, which makes it one of the great Commonwealths of the Nation, is due to the fact that these rugged, uneducated, brave, and fearless men carrying their lives in their hand went out on the frontier and brought these criminals to justice. They were hauled hundreds of miles to Fort Smith and Paris, Tex. I want to say that these men gave their lives in defense of civilization, in defense of the lives and property of the citizens of that Territory, and in defense of those who traveled over the only two railroads that traversed that country.

I want to say another thing. The men who have carved law and order out of that country did that service at a pitifully low stipend.

Mr. HOOPER. Mr. Speaker, I realize that much of what the gentleman from Oklahoma has said is true; but the simple fact remains that every United States marshal, whether in the Indian country or Michigan or Oklahoma or anywhere else, takes his life in his hands when he is sworn in. I am constrained, Mr. Speaker, to object.

The SPEAKER. It takes three objections.

Mr. BEGG. I object.

Mr. MAPES. I object.

Mr. HASTINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. This bill requires three objections. I do not believe that any one Member can reserve the right to object for the purpose of making a speech. The rule requires three objections, and I do not think any one Member can reserve an objection and make a speech. Where the bill has been restored to the calendar for the second time can one Member reserve the right to object and then make a speech? That is my parliamentary inquiry.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CHINDBLOM. Does the gentleman think that the change of the rule requiring three objections on consent days changes all the other rules of the House as to the privilege of the floor?

Mr. HASTINGS. I am clear in my own mind that no one Member can reserve the right to object and use it for the purpose of inviting other gentlemen to object.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I suggest that the remedy for that is to demand the regular order.

Mr. HASTINGS. That is just what I am trying to do now. I am demanding the regular order now.

Mr. CHINDBLOM. Mr. Speaker, I demand the regular order.

Mr. HASTINGS. Mr. Speaker, I do not believe that any Member has the right to reserve the right to object when he has only the right to one-third of an objection.

The SPEAKER. Does the gentleman desire an answer to his parliamentary inquiry?

Mr. HASTINGS. That is a parliamentary inquiry.

The SPEAKER. The Chair thinks that the gentleman's contention, carried to its logical conclusion, would mean that the three objectors would all have to speak at once.

Mr. HASTINGS. I think that all three should rise up and object.

The SPEAKER. The Chair is clearly of opinion that no change in the general rules of the House follows this change in respect to three objections. The Chair thinks that any Member has the right to reserve the right to object.

Mr. HASTINGS. Under that ruling one man can reserve the right to object, and then a second man can reserve the right to object and make a speech in order to induce some other Member to join him in the objection.

Mr. CHINDBLOM. The gentleman can stop it at any time by demanding the regular order.

Mr. HASTINGS. That is what I will do in the future.

PAYMENT FOR ADDITIONAL DUTIES OF TERRITORIAL OFFICERS

The next business on the Consent Calendar was the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon the Territorial officers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. LACK of New York. Mr. Speaker, I object.

Mr. PEAVEY. Mr. Speaker, I object.

CITY OF MENDON, UTAH

The next business on the Consent Calendar was the bill (H. R. 8724) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, upon payment of \$1.25 per acre, there is hereby granted to the city of Mendon, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Mendon, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The west half of section 12, township 11 north, range 2 west, Salt Lake meridian, and containing approximately 320 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendment:

Page 2, line 8, strike out the word "on" and insert the word "in," and on line 15, page 2, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; and

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

THE CONSENT CALENDAR

BOUNTIFUL, UTAH

The next business on the Consent Calendar was the bill (H. R. 8733) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment of \$1.25 per acre, there is hereby granted to the city of Bountiful, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Bountiful, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The north half, and the south half of the southeast quarter, of section 14; the north half of section 22; and the south half, and the south half of the north half, of section 26; all in township 2 north, of range 1 east, Salt Lake meridian, United States survey, and containing approximately 1,200 acres more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 2, line 10, strike out the word "on" and insert the word "in," and in line 17, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CENTERVILLE, UTAH

The next business on the Consent Calendar was the bill (H. R. 8734) granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment of \$1.25 per acre there is hereby granted to the city of Centerville, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Centerville, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: All of section 12, township 2 north, range 1 east, Salt Lake meridian, United States survey, and also the west half of the west half, the northeast quarter of the northwest quarter, the north half of the northeast quarter, and the southeast quarter of the southeast quarter of section 10, township 2 north, range 1 east, Salt Lake meridian, United States survey, and containing approximately 960 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 2, line 11, strike out the word "on" and insert the word "in," and in line 18, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING AIR MAIL ACT

The next business on the Consent Calendar was the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does the gentleman from Pennsylvania [Mr. KELLY] really believe that under the guise of reducing the rates on air mail we should go as far as this bill really goes, to give a present contractor a certificate for 10 years that he has an established right on that route unless removed previously by the Postmaster General? Can the gentleman suggest any instance in the early days of railroading where any such contract was made?

Mr. MADDEN. We can suggest instances every day now.

Mr. KELLY. Mr. Speaker, the gentleman asks a question that I will be very glad to answer, and I think I can show him that in this measure we are not doing anything unprecedented or extra liberal. At the present time the railroads have a perpetual contract, or an indefinite contract, with the Post Office Department, and there is no 10-year limitation. There is no 10-year limitation on mail messengers or on steamship contracts that the Post Office Department now has. This measure will give additional protection to the Post Office Department. We have two different provisions here which dovetail together and make one in fact: First, we give the power to the Postmaster General to reduce the rates. We only give him authority. We do not compel him to change the rate, but we do give him authority to make a rate in the future of 5 cents an ounce. The present rate is 10 cents per half ounce. The main difficulty with our air mail service is the volume of air mail. The volume has not come up to capacity of the planes. Instead of carrying a thousand pounds these planes are carrying 200 and 300 pounds and 400 pounds. We propose to lessen the rate in the discretion of the Postmaster General and bring the mail up to the full volume that can be carried and thus decrease the unit cost.

Then in the second provision of the bill we propose to give the Postmaster General power to go to the contractor and readjust the payment now made under the four-year contract and give him the right to negotiate in the future and bring this rate down as conditions warrant. The contractor can make more money at one-half the rate now received if the volume is three or four times the present volume.

Mr. LAGUARDIA. The gentleman is speaking of that part of the bill to which I am not opposed.

Mr. KELLY. I am showing the gentleman that there is nothing new or unprecedented about this. We deal in the same way with the railroads, and we have always done so. Now, with the air mail contractors we have a four-year contract, as the gentleman knows. Some of these companies are compelled to invest millions of dollars in equipment, in advance work, in organization, and establishing their hangars, and so forth. We propose to give them a chance to show to the Postmaster General that they should have an extension of the contract and not lose their investment at the end of a short period. At the same time we protect the Government by giving the right of

cancellation when there is any failure to comply with regulations.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. O'CONNELL. This bill has not only the approval but also the enthusiastic support of the Post Office Department?

Mr. KELLY. Yes. I was also informed to-day that Colonel Lindbergh, the lad who was a faithful pilot in this contract mail service dealt with in this bill, has said that the passage of this measure will do much for the commercial aviation in which he is so intensely interested. He pointed out that it will increase the volume of air mail 200 per cent in a short period.

Mr. O'CONNELL. If we reduce the rate, would it not double the business?

Mr. KELLY. Yes. It will do more than double the business. It will triple the business.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. CHINDBLOM. I find that the bill provides for financial investigation of the transportation of mail by airplanes, and it provides that the department shall not put into force other regulations than those in the contract.

Mr. KELLY. Yes; it gives full protection to the public interest and these pioneer air companies as well.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. SCHAFER. Can the gentleman assure us that this bill is not in conflict with the President's financial policy?

Mr. KELLY. I can assure the gentleman that the Postmaster General in the President's Cabinet is enthusiastically for it.

Mr. SCHAFER. How about the Budget Bureau?

Mr. KELLY. I am not able to speak for the Budget Bureau, but you may be assured of its acquiescence.

Mr. LA GUARDIA. The reduction of the rate is one thing, and establishing a vested right to a route by means of a new method on a certain species of transportation that is something absolutely in its infancy is another thing; and we made such a mess of the regulation of railroads in the past that it is going to take a century to get out of it. I say this: That if the gentleman wants to reduce the rates, it is the easiest thing in the world to do so in a separate bill. And the bringing of Colonel Lindbergh into the proceedings should not sweep anybody off his feet, because I doubt if the colonel has examined all the details of this bill.

Mr. KELLY. I will say to the gentleman that he has.

Mr. LA GUARDIA. He has not taken into consideration the fact that this contract takes into account a specific name.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. COCHRAN of Missouri. I have received inquiries from Harold M. Bixby, president of the St. Louis Chamber of Commerce, who was with the colonel, and advised him yesterday in reference to this bill and the foreign air mail bill. I advised him of the status of the bills and sent copies of the bill when it was introduced and also when reported. I informed them that one bill would probably go to the President to-day and the other would be taken up on this calendar.

Mr. KELLY. The gentleman from New York and I served together on the Post Office Committee and dealt with the original air mail legislation. I hope the gentleman will not object to this bill, which aims to improve the air mail service.

Mr. MADDEN. Mr. Speaker, I notice that the gentleman from New York [Mr. LA GUARDIA] rather doubts the propriety of doing what is proposed in the bill, and yet that is exactly what we do on every railroad in the country. We do not advertise for contracts for carrying the mail by railroad. The Government negotiates the contracts and transfers the business from one railroad to another, and yet the railroad business is so comprehensive that the mail carried is a very small percentage of their total business, whereas in the air mail transportation the men who invest their money have no other business, but they are required to invest very large sums of money, and their contract at present is only for a four-year period.

Now, if by any chance somebody comes along and takes that contract away, which is possible, all the money invested in the enterprise is lost. There is no other place in the world where their equipment can be used.

Mr. LA GUARDIA. Why not?

Mr. MADDEN. Because they have not anything to use it on.

Mr. LA GUARDIA. There is no fixed rails or road bed.

Mr. MADDEN. Yes; but they would have nothing to carry. They are not going to run airplanes just for fun.

Now, I do not know of a proposal submitted to the House that is as fair as this. In the first place, they have a contract for four years at a very low rate, a rate below cost. Yet they propose to submit to a reduction in the rate they are already receiving under the contract if the volume is sufficient to justify it. But what does the gentleman propose if he objects? He proposes to object to a continuation of a service that is essential to the country, that is being established at a great sacrifice of money and genius, and just as we get it established we put sprags in the wheels, which would prevent the utilization of the instrumentalities for the transportation of the mails by air. For what? Not because the thing that is proposed is not just, not because it is not right, not because it is not fair, not because the people who are behind the movement in investing their money are not experienced, not because they are not patriotic, not because they are not willing to cooperate with the Government in the development of the service, but, on the contrary, because, forsooth, there may be a chance to destroy every dollar of investment that may have been made by all of these men who have made a great personal early sacrifice. Is it fair? I do not think it is, and I hope the gentleman will not object.

Mr. LA GUARDIA. On the other hand, I do not think it is fair, in anything that is still in its infancy, to preclude all others.

Mr. MADDEN. We do not preclude all others.

Mr. LA GUARDIA. By giving a 10-year certificate to any one company.

Mr. MADDEN. Let me ask the gentleman this question, and I am sure he will be fair about it: Suppose they have invested in the air mail activity let us say \$2,000,000, \$3,000,000, or \$5,000,000, or whatever it may have been, and let us suppose further that during all of the four-year period they have lost every dollar they put in and that there is no chance in the world to continue the proposition into which they have put their money and their experience and on which they have made a loss, in a further effort to recoup the loss without any cost to the Government of the United States, with advance knowledge that the end would come in two years more. How much does the gentleman think they would continue to invest in new equipment pending the expiration of the four-year period?

Mr. LA GUARDIA. Under those circumstances I think they would get a renewal of their contract without any trouble.

Mr. KELLY. That is a matter of bidding.

Mr. LA GUARDIA. Under the law, not only is the price given consideration but the ability to render the service.

Mr. MADDEN. I hope the gentleman will not object.

Mr. LA GUARDIA. I will permit it to be passed over without prejudice, but otherwise I will be constrained to object.

Mr. KELLY. I do not know whether the gentleman realizes that the Post Office Department would hesitate to put a parallel line on where mail is being carried under a four-year contract. Under this bill the Post Office Department can put a parallel route on wherever it may be justified. They can distribute the mail among two or three companies. This bill will increase, not lessen, competition.

Mr. LA GUARDIA. The gentleman is speaking about the good features of his bill.

Mr. KELLY. I am showing the protection which is provided for the public and the department.

Mr. LA GUARDIA. If the gentleman wants to pass this over without prejudice for two weeks longer, I shall be glad to permit him to do that; otherwise I shall be constrained to object.

Mr. BEGG. Will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BEGG. Does the gentleman take into consideration this angle: Air transportation, as the gentleman says, is in its infancy and requires a whole lot of experimentation. Every nation in the world encourages private enterprise to perform these experiments by a direct subsidy. However, this can not be interpreted in any way as a direct subsidy, but only a preferment for a period of years, so that they will be certain they will have a definite income. In this way contributions to the development of the industry might be very cheaply purchased. If it were true that we were giving them absolute control over a specific route for a definite number of years, that would be a different proposition.

Mr. O'CONNELL. Mr. Speaker, I would suggest that the gentleman let the rest of the Members in on this conversation. We can not hear him.

Mr. BEGG. I doubt whether it would be possible to make yourself heard above the noise in the House. I was simply trying to call the attention of the gentleman from New York to the fact that, this being an experimental method of transportation, in any other nation of the world it would undoubtedly receive a direct subsidy. However, this is in no

sense a subsidy. Let us grant it will be a preferment as to a particular route for 10 years. Even with that condition existing, the development of transportation through the air might be very cheaply purchased. It does not cost the Government a nickel and it may lessen the transportation cost of the mails.

Mr. LAGUARDIA. I will concede it will.

Mr. BEGG. All right. I would not hesitate, so far as my own vote goes, for one second in giving some particular company a 10-year monopoly to carry the mails, because, as I say, of the results that will come from the development of this service.

Mr. LAGUARDIA. There is no reason for it. We had an instance where the Postmaster General properly disregarded the lowest bidder and gave the contract to a bidder who was better qualified, better equipped, and experienced to transport the mail through the air. There was no question about that; his judgment was not questioned at all and it was sound. Therefore all the conditions and all the illustrations that have been cited to-day would indicate that at the expiration of a four-year period a company under those circumstances would get a contract for another four-year period.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman.

Mr. BEGG. Let us bring this right down to the practical side of it. Suppose the gentleman had some money to invest; would the gentleman rather invest that money in a company that had a contract with two or three years to run or with a company that had a contract with 10 years to run?

Mr. LAGUARDIA. That is one side of it.

Mr. BEGG. That is the practical side. You must get money for any experimental work.

Mr. LAGUARDIA. As against that, there is the possible development of new equipment, of new means of transportation, and would the gentleman keep that work back while one company is in control for 10 years and not give an outsider any chance at all?

Mr. KELLY. The bill provides for that contingency.

Mr. BEGG. There is no danger of running into that situation. The Government is amply protected in that respect by the bill itself.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice; otherwise I shall be constrained to object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

UNPRODUCTIVE PUBLIC LANDS ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 9958) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask about the reference here. I find there is insufficient reference. The reference is to the act of May 25, 1926; does the gentleman think that is sufficient?

Mr. LEAVITT. I think so; yes.

Mr. LAGUARDIA. I looked into it yesterday and could not possibly trace it; but if the gentleman believes this is sufficient reference, that satisfies me.

Mr. LEAVITT. I presented the situation to the department and asked them to prepare a bill to meet it. The bill was prepared by the attorneys of the Interior Department as being sufficient.

Mr. LAGUARDIA. It is not codified. I could not find it anywhere. I have no objection.

Mr. ARENTZ. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. ARENTZ. Is it the gentleman's opinion that this land that is unproductive that lies next to an irrigation project but does contain possibly grass, although the land is not fit for cultivation, could be taken up by irrigation settlers who have a limited amount of land under a Government project and use this land for pasture?

Mr. LEAVITT. Yes.

Mr. ARENTZ. But at no time in the future will the land be put within a district and water put upon it.

Mr. LEAVITT. I am very sure that situation is very fully protected in the bill; in fact, there is a provision in the bill that might be taken to practically answer the question, in that lands that are classified as permanently unproductive, or class 6 land, can not be made the subject of exchange for productive,

irrigated land, which in itself means that they can never be brought in to take the place of other lands.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under the act of May 25, 1926, as temporarily unproductive or permanently unproductive to resident farm owners and resident entrymen on Federal irrigation projects, in accordance with the provisions of this act.

SEC. 2. That the Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under this act more than 160 acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed 320 acres.

SEC. 3. All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall, when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

SEC. 4. After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified as temporarily or permanently unproductive, as the case may be, under the adjustment act of May 25, 1926. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

SEC. 5. In the absence of a contrary requirement in the contracts between the United States and the water users' organization or district assuming liability for the payment of project construction charges, all sums collected hereunder from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the reclamation fund as a credit to the sums heretofore written off in accordance with said act of May 25, 1926. Where water rental collections hereunder are in excess of the current operation and maintenance charges, the excess as determined by the Secretary shall, in the absence of such contrary contract provision, inure to the reclamation fund as above provided, but in all other cases the water rentals collected under this act shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water users' association under contract with the United States.

SEC. 6. The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of this act.

Mr. LEAVITT. Mr. Speaker, this is a very important bill to the settlers on the project, and I ask unanimous consent to extend my remarks at this point in the Record upon it.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, this bill (H. R. 9958) to authorize the disposal of public land classified as temporarily or permanently unproductive on the Federal irrigation projects was introduced by me on the 24th of January last. On the 8th of February it was favorably acted on by the Committee on Irrigation, and I reported it to this House.

To-day it has been reached on the calendar for passage, and it is a matter of much gratification to hundreds of resident farm owners and entrymen on the reclamation projects that it has your approval.

You will recall that on the 25th of May, 1926, the act to adjust water-right charges and to grant certain other relief on the Federal irrigation projects became law. It extended a large measure of relief to 19 projects in the West, of which 4 are in the district I have the privilege of representing. Among other things it authorized the classifying of 207,342 acres of lands as being temporarily unproductive and suspended \$12,593,329 charged against them; and it also set aside 174,448 acres as being permanently unproductive and removed them from the projects, thus charging off \$9,343,038 theretofore standing as a debt against the settlers on the 19 projects.

The bill I have introduced and which has just been read by the Clerk has to do with the present disposition of these unproductive lands. They are in the main rough or of such soil

as to be unfit for irrigation, but they have value as grazing units and otherwise if used in connection with the irrigated lands. The gist of the measure is that the Secretary of the Interior is authorized to dispose of such vacant public lands in these areas to resident farm owners and resident entrymen on the projects within which the lands are located. They are to sell at prices fixed by appraisal, not more than 160 acres to anyone, nor giving any one individual a total of more than 320 acres, including other land already owned on the project.

The conditions and reservations of sale are proposed in the bill as matters of sound public policy. Section 3 says:

All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

That the sections 41, 43, and 44 of the act of May 25, 1926, may be ready for reference I give them here as follows:

SEC. 41. All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section on terms and conditions to be approved by the Secretary of the Interior.

SEC. 43. The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this act.

SEC. 44. Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project.

And so forth. With further provisions and amplification. Of course, it would not be fair to allow the later exchange of these cheaply acquired lands for valuable irrigable lands under the provisions of section 44.

Finally the reasons for the enactment of this legislation are quite fully set forth in the letter of the Secretary of the Interior to the chairman of the Committee on Irrigation and Reclamation under date of February 2. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1928.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have your request of January 26 for report on (H. R. 9958) a bill to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects.

The bill authorizes the Secretary of the Interior to sell unproductive lands on Federal irrigation projects to resident owners and entrymen under terms and conditions to be fixed by him. Under the bill no landowner would be permitted to purchase more than 160 acres of such land, or an area which, with land already owned on any one project, would exceed 320 acres. The lands are to be appraised by an independent board of appraisers.

The lands, the sale of which is contemplated under the bill, are not suitable for entry under the homestead and reclamation laws.

Under the present law, private landowners and entrymen could secure the use of these lands only by temporary lease. This method is objectionable because the Government has turned over or will turn over the projects to water users for their own management, and the United

States will thereafter have no representatives on the projects to make the necessary leases and administer them.

I believe it preferable that these lands be disposed of in the manner contemplated, and recommend favorable consideration of the bill.

Very truly yours,

HUBERT WORK.

I am sure that the enactment of this measure will be a further forward step toward the final success of the irrigation projects. The sale of these lands will add to the home units of actual settlers in a way to round out their holdings, and it will also place back into the reclamation fund in the Federal Treasury very considerable sums of money now frozen in these unproductive lands and make them available for further constructive use.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. BLANTON. Mr. Speaker, I have an important matter I want to present to the House, but I do not want to delay the Consent Calendar. I therefore ask unanimous consent that at 3 o'clock to-day I may be permitted to proceed for 10 minutes.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. BLANTON. It is on the investigation we have been making.

Mr. SCHAFER. Will the gentleman present some concrete evidence to the House?

Mr. BLANTON. Yes.

Mr. SCHAFER. I notice the gentleman's prior speeches seem to infer that certain high officials of the Washington police department have been giving protection to bootleggers while they did not give any evidence which would substantiate that inference.

Mr. BLANTON. If the gentleman will come to my office I will give him all the evidence he wants.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LA GUARDIA. I understand we are going to have some suspensions later in the afternoon.

Mr. BLANTON. Yes; I have spoken to the Speaker about it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. Does the gentleman propose to discuss, as he did last Saturday, testimony brought before a subcommittee against men holding official positions who have had no opportunity to confront witnesses, no opportunity to present evidence on their own behalf, and who themselves have not had an opportunity to testify?

Mr. BLANTON. The ones I am going to discuss have had plenty of opportunity. I shall discuss no others.

Mr. SCHAFER. Further reserving the right to object, I believe if the gentleman has evidence showing protection to bootleggers given by officers or members of the Metropolitan police force, the proper procedure is to file such evidence with the Commissioners of the District of Columbia, so that these men may have an opportunity to be heard, and I therefore object.

Mr. BLANTON. Mr. Speaker, I hope my friend will not object to my having this 10 minutes. I do not take the time of the House unless it is necessary, and this is an important matter. What better proof does the gentleman want than this specially built truck that is right over here at the House Office Building now, with a secret compartment in it to carry liquor, the owner of which says he had it built to carry liquor in and has used it for six months to transport liquor here in violation of the law?

Mr. SCHAFER. The gentleman from Wisconsin will state that any police officer, no matter what position he holds in the police department, who has been taking graft or giving protection to bootleggers, should be put in Leavenworth penitentiary with the bootleggers, just as the gentleman from Texas would desire.

Mr. BLANTON. That is what I want done with them.

Mr. SCHAFER. But the gentleman's prior speeches about the matter do not contain material facts sufficient to substantiate an indictment on the floor of the House of any officer in the police department. Particularly they do not substantiate the inference directed against the chief of police.

Mr. BLANTON. If the gentleman from Wisconsin is going to block proceedings, I do not now want to take up any more time of the House.

Mr. SCHAFER. If the gentleman will assure me that he will present concrete evidence, I will withdraw my objection.

Mr. BLANTON. I expect to give enough of concrete facts to satisfy the gentleman.

Mr. SCHAFER. Mr. Speaker, I withdraw my objection.

Under permission granted me by unanimous consent of the House, I incorporate the statement recently made by Maj. Edwin B. Hesse, superintendent of the Metropolitan police force of the District of Columbia, which is as follows:

If Representative BLANTON has any evidence against me, it is his duty to present it to the Commissioners of the District. It is my right to have an opportunity to cross-examine his witnesses and introduce testimony in my behalf. I stand ready to face any investigation of my acts or utterances by the commissioners to whom I am responsible for my official position.

I hereby obligate myself to submit to the trial board without further investigation and without change of any language any charges Representative BLANTON may care to make against any of my subordinates, who will thereupon have opportunity for defense and decision by an impartial tribunal without possibility of intervention by Representative BLANTON or myself.

I invite an investigation by any unbiased body of men of my record and that of the police department under my administration to ascertain whether that record will not disclose the fact that I have energetically and honestly striven to secure the enforcement of all laws.

Mr. TREADWAY. Reserving the right to object, I would like to ask the gentleman from Texas what benefit he expects to be derived by publicity of what he has already exploited on the floor? If it is a criminal matter, it should be placed in the hands of the criminal prosecutor.

Mr. BLANTON. I will say to the gentleman that I could demand an hour under a question of personal privilege. There was more than a column printed in the Herald this morning of a pretended interview and not one word was authorized. There was no such interview.

Mr. TREADWAY. If it is a question of personal privilege, the gentleman should exercise his rights rather than to ask for 10 minutes this afternoon.

Mr. BLANTON. I want to give the concrete facts as to the law being violated.

Mr. TREADWAY. If that is so, why does not the gentleman give the facts to the district attorney?

Mr. BLANTON. They have been given to the district attorney.

Mr. TREADWAY. If the gentleman desires to exercise the privileges of the House, he can do so without asking for 10 minutes.

Mr. BLANTON. Mr. Speaker, I withdraw my request. If the gentleman from Massachusetts wants to keep the country from knowing the facts, he can do so.

Mr. TREADWAY. Mr. Speaker, I want to see orderly procedure maintained, and object to 10 minutes of publicity for no good purpose.

Mr. BLANTON. Mr. Speaker, I ask for a quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety Members present, not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Aldrich	Dickstein	Johnson, S. Dak.	Sears, Fla.
Allen	Doutrich	Kindred	Seger
Anthony	Drewry	Kunz	Sirovich
Beck, Wis.	Edwards	Larsen	Somers, N. Y.
Berger	England	McFadden	Stedman
Boies	Estep	McSwain	Strong, Pa.
Britten	Fish	Manlove	Strother
Bushong	Fitzgerald, W. T.	Moore, N. J.	Sullivan
Carley	Free	Moore, Ohio	Wainwright
Cartwright	Fulbright	Nelson, Me.	Watson
Chase	Gifford	Norton, N. J.	Weller
Christopherson	Golder	Oliver, Ala.	White, Colo.
Cole, Iowa	Goldsbrough	Oliver, N. Y.	Whitehead
Collins	Goodwin	Palmer	Williams, Tex.
Combs	Graham	Peery	Williamson
Connally, Tex.	Green, Iowa	Perkins	Wilson, Miss.
Connolly, Pa.	Griffin	Pou	Wingo
Crosser	Hall, Ill.	Prall	Wolverton
Cullen	Harrison	Quayle	Wood
Davey	Igoe	Rathbone	Yates
De Rouen	Irwin	Reed, N. Y.	
Dickinson, Mo.	Jacobstein	Sabath	

The SPEAKER. Three hundred and forty-two Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

SALE OF CERTAIN LANDS NEAR GARDEN CITY, KANS.

The next business on the Consent Calendar was the bill (H. R. 8286) to authorize the sale of certain lands near Garden City, Kans.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, Senate bill 2545, on the Speaker's desk, is identical with this bill. I ask unanimous consent to substitute the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the State of Kansas be, and it is hereby, authorized to sell all or any part of the following-described land granted to said State under the provisions of the act of Congress approved June 22, 1916, to wit: Sections 25, 26, and 35 in township 24 south, and sections 1 and 2 in township 25 south, all in range 33 west of the sixth principal meridian, notwithstanding the restrictions contained in said act: *Provided,* That the proceeds of said sale shall be used to purchase land in sections 23 and 24 in township 24, range 33, and in sections 19 and 30 in township 24, range 32, all in Finney County, Kans., to be used as a State game preserve.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

WORLD WAR MEMORIAL

Mr. LUCE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 257, Senate Joint Resolution 66.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to return to Calendar No. 257. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, can the gentleman now state the source from which the stone comes?

Mr. LUCE. From the Vermont Marble Co.

Mr. LAGUARDIA. And it is not embraced in the matter I referred to?

Mr. LUCE. No; I think not.

The Clerk read the bill, as follows:

Joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

Resolved, etc., That there is authorized to be appropriated, in addition to the sum authorized to be appropriated by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, the sum of \$50,000 to be used for the erection and equipment of the memorial building provided for by such joint resolution. Such sum shall be expended under the direction of the commission, consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library, created by such joint resolution, and its disbursement shall not be contingent upon any private subscription.

Mr. LUCE. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Speaker, this resolution will, I am sure, receive no objection from any Member of the House. But I crave the indulgence of the House while in connection with it I address myself to a matter that has seemed to me to be of grave importance to every committee and every Member.

Two weeks ago when this resolution appeared upon the calendar objection to its consideration was made by the gentleman from Michigan [Mr. Cramton] on the ground that the report contained no statement to the effect that the matter has been laid before the Director of the Budget. At that time I told him that it was my recollection that the director had been consulted. This, upon further inquiry, I have found to be the fact. He had been consulted by the secretary of the association, who saw fit to discuss with him the proposal. No formal approval, however, had been asked or received by the committee. In my anxiety not to see the matter blocked, I have secured and have before me here a letter from the Director of the Budget saying that the proposal is not inconsistent with the President's program.

Since then I have been much disturbed by reflecting upon the situation brought up by the gentleman from Michigan. For the

first time, so far as I know, in the seven years since the Budget law has been in effect, objection has been raised to the consideration of a matter by unanimous consent because there accompanied the report no statement that the Director of the Budget had been consulted. It was my province to take some small part in the debate upon the adoption of the Budget.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CRAMTON. Let me understand the gentleman's statement. Is it the gentleman's impression that a report from his committee had never been objected to on the ground that there was no report from the Budget, or was it from any committee?

Mr. LUCE. My statement was intended to be that when I have been on the floor of the House no measure has been objected to by reason of the failure of the report to contain anything about the Director of the Budget.

Mr. CRAMTON. If the gentleman included all committees, he is in error in that statement.

Mr. LUCE. Whether in error or not, the important consideration is still to be brought to the attention of the House.

I have taken the pains to run through the debates when the Budget was adopted, and my eye has caught there nothing indicating that it was the intention of the Congress that any of its lawmaking committees should be required to consult the Director of the Budget when considering legislation. But this is what has happened: The President, by an Executive order, seems to have directed that when departments are consulted by committees of this House the departments shall include in their reply a statement showing that the Director of the Budget has been consulted. This, it will be seen, puts the lawmaking body of the land under the control of the Director of the Budget, who, of course, has not the time or opportunity to consider these proposals as our committees consider them.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. O'CONNELL. As a matter of fact, are we not now following that very policy under which it seems we can not get anything done in the House without consulting the Budget Bureau?

Mr. LUCE. It was to bring that to the attention of the House that my remarks are made.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. JOHNSON of Washington. I have undertaken to show you from time to time that by the process we are using now we are making the Director of the Budget the dictator of the proceedings of the House of Representatives.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. Mr. Speaker, may I have five minutes more?

Mr. MADDEN. I do not see why the gentleman should take up the time in discussing an academic question.

Mr. LUCE. It is not an academic question.

Mr. MADDEN. The gentleman is not discussing the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is heard. The question is on the engrossment and third reading of the resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate joint resolution was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PROOF OF ENTRIES WITHIN RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 475) to amend certain laws relating to the submission of proof on entries within reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, Mr. Speaker, this is a bill that provides for paying taxes on irrigated lands?

Mr. WINTER. Yes.

Mr. LaGUARDIA. Who informs the State that the matter has arrived at such stage where the land may be taxed under this bill?

Mr. WINTER. The State authorities will find that of record in the Land Office, where the register issues a final certificate.

Mr. LaGUARDIA. This is to reach settlers who avoid taking out the final certificate in order to avoid paying local taxes?

Mr. WINTER. Yes.

Mr. LaGUARDIA. How is that accomplished?

Mr. COLTON. It is the custom to obtain that from the register of the Land Office. Each year the Land Office issues a copy of the final certificate issued in the preceding year.

Mr. LaGUARDIA. The final certificate?

Mr. COLTON. Yes; issued by the register.

Mr. WINTER. That they have complied with the requirements of the homestead law.

Mr. LaGUARDIA. After they get this certificate, what is done?

Mr. WINTER. They go on with the period of the payment for construction of the reclamation project.

Mr. LaGUARDIA. After the payment is made they purposely refrain from applying for a patent in order to avoid taxation?

Mr. WINTER. That is correct.

Mr. LaGUARDIA. Is the settler protected in not paying taxes before the local authorities have a right to tax him?

Mr. WINTER. Yes; certainly.

Mr. CRAMTON. A letter from the Secretary says that under existing law the entryman may delay for the entire period, which may extend over a period of 40 years.

He might have said that on some of the projects under the 5 per cent plan it would be 75 or 100 years. Just why should he have that privilege of delaying the issuance of a patent until he has made his payments for the reclamation charges?

Mr. WINTER. I do not think the privilege ought to be extended.

Mr. CRAMTON. Why should not the gentleman's bill be a bill that would require them to complete their proof and make their lands taxable instead of leaving it in this inchoate state for 40, 50, or 100 years?

Mr. WINTER. My form of the bill has been amended and the form of the bill as it is now before the House is the form submitted by the department itself.

Mr. CRAMTON. Under the form submitted by the department what becomes of the priority of lien of the Government for its construction charges on the reclamation project? By Federal authority in this bill the land is made subject to taxation and under State laws naturally those taxes stand as a lien. The land is liable to be sold for taxes and then what has become of the Federal Government's lien for reclamation charges?

Mr. WINTER. I do not think that can be disturbed; I think the Government's lien stands right where it is.

Mr. CRAMTON. There is nothing in this bill to preserve that lien, and it is the holder of that lien who is so graciously making these lands subject to State taxation, although the title has not left the Federal Government. I am not out of sympathy with what the gentleman is trying to do, but I do believe it is of enough importance to have a little more attention than has yet been given it. I shall be obliged to object to it.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO ADDRESS THE HOUSE

Mr. MADDEN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise to ask unanimous consent that on the first occasion after the reading of the Journal and when it will not interrupt any other business that 40 minutes be accorded to the gentleman from Massachusetts and myself to discuss the question against which I objected a few moments ago.

The SPEAKER pro tempore. I think the gentleman had better put that request a little more definitely.

Mr. MADDEN. Well, that 20 minutes be accorded to the gentleman from Massachusetts and 20 minutes to myself.

The SPEAKER pro tempore. The Chair meant as to the day.

Mr. MADDEN. On Thursday morning, after the reading of the Journal.

Mr. LaGUARDIA. Mr. Speaker, on that day we have the radio bill and the constitutional amendment, perhaps.

Mr. MADDEN. Well, the first day after the reading of the Journal and when other business will not be interfered with. I ask for it on Saturday.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on Saturday next, after the special orders and disposition of other business on the Speaker's table, the gentleman from Massachusetts [Mr. LUCE] may be allowed to speak for 20 minutes out of order, and that the gentleman from Illinois may be permitted to speak for 20 minutes out of order. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that following the addresses made under the special agreement just entered into I may have 20 minutes.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that following the addresses of the two gentlemen just mentioned he be permitted to proceed for 20 minutes. Is there objection?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, on what subject?

Mr. JOHNSON of Washington. On the same subject, the matter of the right of committees of the House of Representatives to enact authorizations for appropriations and progressive legislation of various kinds.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 8731) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

HAWAII NATIONAL PARK

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that the next bill on the calendar, H. R. 10483, be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Hawaii asks unanimous consent that the next bill on the calendar, H. R. 10483, be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

OFFICERS OF THE UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 5531) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, this bill is improperly drawn. It is drawn in the form that an amendment could be offered on the floor of the House when the bill is properly corrected and completed. The text of the bill is there, but as this bill is drawn it strikes out certain words of the law and inserts other words. It is only going to add confusion, and such a bill should not be permitted to pass. I do not know who is responsible for the bill.

Mr. DREWRY. What is the gentleman's statement?

Mr. LA GUARDIA. The bill is in improper form.

Mr. VINSON of Georgia. Will the gentleman enlighten the House as to what form it should be in?

Mr. LA GUARDIA. It should provide that "section so-and-so should be amended to read as follows"; but, as I just stated, this bill is drawn in the form of an amendment offered on the floor, where the text may be corrected.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that this bill may be passed over for the time being without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

U. S. S. "DISPATCH"

The next business on the Consent Calendar was the bill (H. R. 771) providing for the loan of the U. S. S. *Dispatch* to the State of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, there is no objection on the part of the department to giving this ship, which apparently is of no use to the Government, to the State of Florida. Why does not the State just take the gift of the ship rather than its loan so there will be no question of any further liability on the part of the Government?

Mr. DRANE. The State of Florida would not go so far as to ask for a gift, but it does ask that this ship, which has long

been out of commission, may be loaned to the State during the pleasure of the Government. The State of Florida meanwhile will rehabilitate the ship and put it in commission for State purposes.

Mr. LA GUARDIA. The department further states that the ship is of no use to the Navy at this time and they will be glad to give it to the State. I do not see why the State does not take the ship.

Mr. DRANE. We would not like to go that far, unless agreeable to the department.

Mr. LA GUARDIA. It would relieve the Government of any possible liability on account of the ship.

Mr. DRANE. I understand that, but the committee did not discuss it from that angle and I would not feel at liberty to do that, for the present.

Mr. LA GUARDIA. I do not think we ought to take the ship and lend it, even with the safeguards put in this bill. We do not want the ship and you want the ship, so there is no reason why you should not have it.

Mr. DRANE. I would be glad to accept an amendment if the gentleman desires to offer an amendment to that effect.

Mr. LA GUARDIA. I can not prepare it offhand, and therefore I ask that the bill may be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I want to call the attention of the gentleman from Massachusetts, a member of the Committee on Military Affairs, to the wording of the bill wherein there is authorized appropriations. You then provide for utilities and appurtenances thereto, "as in the judgment of the Secretary of War may be necessary." Would the gentleman accept an amendment in all of these bills, inserting after the word "thereto" the words "within the amount herein authorized to be appropriated"?

Mr. FROTHINGHAM. That is what is intended.

Mr. LA GUARDIA. That would make the language clear, and with that understanding I shall not object.

Mr. FROTHINGHAM. If the gentleman from Virginia does not object—

Mr. MOORE of Virginia. That is all right.

Mr. BLACK of Texas. Mr. Speaker, I would like to make an inquiry about this project. I find in the Sixty-ninth Congress we appropriated \$500,000 for this purpose, and in the Army appropriation act of February 10 of this year we appropriated \$160,000 more. I would like to inquire what is the present need of this authorization when the Army appropriation bill carries \$160,000 for this project.

Mr. JAMES. The \$666,000 will take care of the building itself, but there is \$80,000 needed for sewer and water pipe to complete the building; otherwise, we will have a building completed, but with no water pipes or sewer pipes in connection with the building.

Mr. BLACK of Texas. Let me ask the gentleman this further question: Is it necessary to have this particular appropriation at the present time?

Mr. JAMES. Yes; otherwise, we would have a building and would be unable to connect it with sewer and water pipes and would not be able to use it for a year.

Mr. BLACK of Texas. Did the original authorization just authorize \$660,000 for this project?

Mr. JAMES. For the building itself, and they forgot to estimate for the sewer and water pipes.

Mr. BLACK of Texas. And that is the reason for this particular bill?

Mr. JAMES. Yes.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, not to exceed \$80,000, to be expended for the construction and installation, at Fort Humphreys, Va., of barracks and such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

With the following committee amendment:

In line 4, after the word "construction," strike out the word "and," and in line 5 insert the words "and completion" after the word "installation."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment striking out, on page 1, line 6, the word "such," and the word "as," at the end of the line, and all of line 7, so that it will read, "Barracks and utilities and appurtenances thereto."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RIVERSIDE INDIAN SCHOOL, ANADARKO, OKLA.

The next business on the Consent Calendar was the bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is another of the class of bills I referred to earlier in the afternoon, where I do not believe legislation is necessary.

I am satisfied if the Budget approves this as strongly as they seem to, there is nothing to prevent the submission of an estimate. It happens I have visited this school, and while the dormitory is desirable I am satisfied there are other schools where we need new buildings worse than we do here.

If this bill be passed it is considered by some a command for the Appropriations Committee to approve of this appropriation, and it stands in the way of some other appropriation that is more urgently needed than this. It prevents the balancing of respective needs that should obtain in making up the Budget.

Mr. O'CONNELL. Does the member of the Cabinet pass on these matters, and has not this matter been submitted to the Secretary of the Interior and received his approval? The report indicates that it is an emergency.

Mr. CRAMTON. It is not an emergency, I will say on my own personal knowledge, but it is desirable.

I want to make this other objection. This particular need is under a large lump-sum item in the Interior bill—two or three million dollars. I think—I am not sure, so that if at any time the department feels that this item is so much more urgent than others they can take it out of that fund. But for the reason, as I said this afternoon, I recognized the fact that this has been to the legislative committee and that committee has approved of it and I am willing to assume that it is a desirable expenditure, and therefore I am not going to object to the bill. But I want it to be understood that we are not creating a precedent here that is going to foreclose the right of objecting to similar expenditures all over the country. There is one other difficulty about that. This is encouraging the heads of Indian schools and other activities just as the military bills are encouraging Army officers to violate the Budget law by going to their Congressmen and asking to have bills introduced, instead of letting the things take the natural course through the department.

Mr. JOHNSON of Oklahoma. Mr. Chairman, as the gentleman from Michigan [Mr. CRAMTON] has been kind enough to state that he will not object to this measure, although he does not feel that it is an emergency, I shall have little to say at this time. It is action we desire with reference to the pending measure making an authorization of \$40,000 for a boys' dormitory at the Riverside Indian School, and not extended speeches.

Permit me to add in this connection, however, that the Riverside School is located near my home city of Anadarko, Okla., and therefore I feel that I am possibly more familiar with the situation and the needs of this splendid institution than my good friend from Michigan could possibly be. This bill proposes to replace an old dilapidated dormitory built more than 40 years ago and which is really in a dangerous condition. The measure had the enthusiastic approval of the Interior Department, and was reported out unanimously by the committee. A representative of the Interior Department was present when I presented the matter in detail to the committee, and I think I can safely say that both the committee and the department feel that an emergency does exist. Before introducing this bill I went over and inspected this institution very carefully with Hon. J. A. Buntin, superintendent of the Kiowa Indian Agency, who also feels that this is an emergency, and has recommended this authorization as being urgently needed.

May I be permitted to add, Mr. Chairman, that this school is situated in the midst of a large Indian population? I think there are possibly a dozen tribes represented at this school, and

the Indians of this particularly part of the country are increasing quite rapidly instead of decreasing, as is the case with many other tribes of Indians. The Caddos, Kiowas, Comanches, and Apaches, and several other tribes, whose children attend the Riverside Indian School, have made a marked and phenomenal progress within the past decade. They are building good homes as fast as their finances will permit, are learning trades, and are anxious to educate their children. Surely we will not withhold from them the opportunity of sending their children to this institution merely because we have seen fit to bring this in as a special bill and did not choose to wait in the hopes of getting it included in the Budget. I hope that none of my colleagues will object to the passage of this important measure that means so much to the Indians of my community.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 5746) to authorize the appraisal of certain Government property, and for other purposes.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

UTILIZATION OF RESOURCES AND INDUSTRIES OF THE UNITED STATES

The next business on the Consent Calendar was the joint resolution (H. J. Res. 36) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, this bill has been up ever since I have been in Congress, and it seems to me that some time something ought to be done to it. I remember during the first session in Congress that it was first up, and Mr. Mann, of Illinois, said, on July 31, 1917:

Mr. Speaker, I have spent 20 years in the House and have seen a great many bad bills, but I measure my words when I say this is the worst and most vicious proposition I have heard in the House of Representatives.

[Laughter.]

Following Mr. Mann, I object.

PRECEDENCE OF CERTAIN OFFICERS OF THE STAFF CORPS OF THE NAVY

The next business on the Consent Calendar was the bill (H. R. 21) to provide for date of precedence of certain officers of the staff corps of the Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any officer of the line of the Navy who, since July 1, 1923, has been transferred to, and commissioned in, a staff corps of the Navy in the same rank as formerly held by him in the line, shall take precedence with, but next after, that officer of the line immediately above him in the Navy at the time of such transfer, which officer shall be assigned as his running mate for promotion purposes: *Provided,* That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOAN OF THE U. S. S. "DISPATCH" TO THE STATE OF FLORIDA

Mr. DRANE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 298—S. 771—providing for the loan of the U. S. S. *Dispatch* to the State of Florida.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to loan to the State of Florida, for such time and upon such conditions as he deems advisable, for the use of the fisheries department of such State the U. S. S. *Dispatch*, together with all her apparel, charts, books, and instruments of navigation; but no expense shall be caused the United States by the delivery or the return of such vessel, and the State of Florida shall assume responsibility for all expenses for repair and upkeep of the vessel and for any damage which may be caused to the vessel while loaned to such State.

Mr. DRANE. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Beginning on line 4, page 1, strike out the words "to loan" and insert the words "to convey by gift." Line 9, strike out the words "or the return," and after the word "vessel" insert the period in line 9 and strike out the balance of the bill.

The amendments were agreed to.

The title was amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PAY OF RETIRED WARRANT OFFICERS AND ENLISTED MEN, ETC., OF THE PANAMA CANAL

The next business on the Consent Calendar was the bill S. 1946, a bill relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, the gentleman from Illinois and I have had this out before.

Mr. DENISON. We have; but I thought the gentleman from New York was satisfied about the matter. It applies to only a few men employed on the Panama Canal Zone, and we have removed the disability from every other class of employees.

Mr. LA GUARDIA. That strengthens the gentleman's argument in putting through a bad policy.

Mr. DENISON. I did not initiate the policy.

Mr. LA GUARDIA. This applies only to a small number, and I shall not object to this; but I shall object all I can to prevent retired soldiers or officers from retiring and competing with men in the civil service.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the Panama Canal act, as amended, shall not be construed as requiring the deduction of the retired pay or allowances of any retired warrant officer or enlisted man of the Army, Navy, Marine Corps, or Coast Guard, or the training pay, retainer pay, or allowances of any warrant officer or enlisted man of the reserve forces of the Army, Navy, Marine Corps, or Coast Guard, from the amount of the salary or compensation provided by or fixed under the terms of the Panama Canal act, as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 6480) to authorize appropriations for construction at military posts, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. The Secretary of War says they have full authority now under the law to construct this building. It is deemed desirable to enact this bill only in order to make it easier to procure appropriations for this project. I shall be obliged to object to this as unnecessary.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

The next business on the Consent Calendar was the bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Reserving the right to object, Mr. Speaker, this bill is subject to the same objection as the previous bill. I shall be glad to withdraw my objection if you will strike out the language as to the judgment of the Secretary of War.

Mr. JAMES. Mr. Speaker, we had the matter up with the Secretary of War, and I suggested to him that we would leave off that language on future bills that may be prepared.

Mr. LA GUARDIA. On that statement I will withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$65,000, to be expended for the construction and installation at Schofield Barracks, Hawaii, of nurses' quarters and such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

Mr. LA GUARDIA. Mr. Speaker, I offer an amendment. On page 1, line 6, strike out the word "such" and after the word

"thereto" insert a period and strike out the balance of the bill. The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: In line 6, strike out the word "such," and after the word "thereto" insert a period and strike out the remainder of the bill.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PURCHASE OF REAL ESTATE BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 5806) to authorize the purchase of real estate by the War Department.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Reserving the right to object, does not the gentleman from Michigan [Mr. JAMES] believe that we ought to insert after the word "sum" the words "not exceeding"? With that reservation I shall have no objection.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, and I shall not object to any of these bills to-day, but I will state that I am going to object hereafter to bills of this kind. As to this bill, the Secretary of War says the only purpose is to "make easier the getting of an appropriation." There is now authority of law. What my colleague is proposing is very desirable, and I shall not object now, but an expression of that kind from Cabinet officers will hereafter condemn a bill so far as my objection goes.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War, under such conditions as he shall determine, is authorized to procure real estate at Opaëula Gulch and Gilbert, Hawaii, for the purpose of providing four sites for firing installations for heavy artillery, and there is hereby authorized to be appropriated for this purpose the sum of \$10,125.

With a committee amendment, as follows:

In line 4, strike out the word "procure" and insert in lieu thereof "acquire by purchase or condemnation."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, line 8, strike out the word "sum" and insert in lieu thereof the words "a sum not exceeding."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PAVING GOVERNMENT ROAD FROM ST. ELMO, TENN., TO ROSSVILLE, GA.

The next business on the Consent Calendar was the bill (H. R. 5817) to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Reserving the right to object, Mr. Speaker, I understand this road was offered to the State of Tennessee under the law some time ago, and the State of Tennessee has not even replied to the offer. What assurance do we have now that if we spend this money the State of Tennessee will finally take over the road?

Mr. McREYNOLDS. It is all in the hands of the Secretary of War.

Mr. LAGUARDIA. The gentleman would not assure us that the State would take it off our hands before we expended the \$20,000?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of \$116,000, or so much of said sum as may be necessary, is appropriated, out of the Treasury of the United States, to be expended under the direction of the Secretary of War, in paving the Government road commencing at the pike at the foot of Lookout Mountain at St. Elmo, Tenn., and extending to the Rossville Boulevard, at Rossville, Ga., in the length of 3 $\frac{1}{2}$ miles, known as the Hooker Road.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the sum of \$75,000, or so much of said sum as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in paving the Government road commencing at the pike at the foot of Lookout Mountain at St. Elmo, Tenn., and extending to the Rossville Boulevard, at Rossville, Ga., in the length of 3 $\frac{1}{2}$ miles, known as the Hooker Road: *Provided*, That no part of this appropriation shall be expended until the States of Georgia and Tennessee, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to and maintain said road under the provisions of the act approved March 3, 1925, immediately upon the completion of such improvements as may be made under this appropriation."

Mr. McREYNOLDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Strike out the figures "\$75,000" and insert in lieu thereof the figures "\$116,000."

Mr. McREYNOLDS. Mr. Speaker and gentlemen of the House, this is merely an authorization for \$116,000. The amendment as offered by the committee makes the bill read just as drawn by the War Department.

Mr. CRAMTON. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. CRAMTON. My attention was diverted. Do I understand that the gentleman now offers an amendment to increase the amount above the amount carried in the bill?

Mr. McREYNOLDS. That is what I have offered.

Mr. CRAMTON. Was any notice given to the House of the gentleman's purpose?

Mr. McREYNOLDS. I never gave any notice, but I gave the committee notice. If the gentleman thinks that I am unfair about this I certainly will not insist on it.

Mr. CRAMTON. I know the gentleman would not intend to be unfair; but we looked at the bill and report.

Mr. McREYNOLDS. I think the gentleman will even support my amendment if he hears my statement.

Mr. CRAMTON. I do not want to disappoint the gentleman, but I think he is indulging in a vain hope.

Mr. McREYNOLDS. I have often misjudged the gentleman.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. LAGUARDIA. I want to say in all frankness that the gentleman takes me by surprise, and it seems to me that the situation on this Consent Calendar is just a little different.

Mr. McREYNOLDS. If you gentlemen feel I am taking any undue advantage I certainly will not insist on my amendment. I merely want to make a statement, and if my statement is not convincing I will withdraw the amendment.

Mr. JAMES. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JAMES. I hope the gentleman will withdraw his amendment. We have other bills before our committee. If the committee finds that after it has obliged a man by reporting out a bill for him that then the amount may be increased on the floor the committee will have to play safe. I may say to the gentleman that I had to do a good deal of work to get a favorable report on the bill in its present shape, and I certainly hope the gentleman will withdraw his amendment.

Mr. McREYNOLDS. I will say to the House that on the committees I am serving with I thought we reported bills out

as a matter of right. However, if the gentleman feels I am taking any undue advantage, I certainly will withdraw my amendment. If you will permit me to make a statement, I will withdraw it at the proper time. The idea of this amendment was this: The only proof we have in this record is that it will require \$116,000 to build a permanent highway from these two points. I have the greatest admiration and confidence in the ability of the Director General, and he thought \$75,000 was sufficient. However, I feel that the amount of \$75,000 is too small, but if I am wrong and the \$116,000 is not necessary, it will not have to be used. If the War Department builds the road for a less amount, then it will not be used. It is not my purpose to take advantage of anyone and I would have notified the gentleman, but I had notified the chairman of that subcommittee.

I want to say that this is not merely a road that connects the Missionary Ridge, Chickamauga Park, and Lookout Mountain battle fields, but it is a historic road over which General Hooker led his Union Army in his attack upon Missionary Ridge, after the great battle had been fought in Chickamauga, Ga., by the Union forces and the Confederate forces.

It is the place where the North and the South met in the bloodiest battle of this country. It has been set aside as a park by the Government. Also, 102 acres on Lookout Mountain, and this road is the connecting road between the two. I see gentlemen in this audience who have seen the monuments erected on the site of Lookout Mountain; the Iowa monument and the New York monument are two of the great monuments that occupy this historical site. We have from Hamilton County built concrete roads up this mountain. We built them into the city of Chattanooga from this road. There is a highway from Rossville to Chickamauga Park that is concrete, also from Rossville into the city, and all I was asking was a sufficient amount to build a proper road of this connecting link.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to proceed for one additional minute.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. McREYNOLDS. Since gentlemen have made this statement, and if you feel that way about it, it is not my purpose to undertake to take advantage of you or any of you at any time. I notified your chairman that it was my purpose to make a motion on the floor of the House to raise this sum; but if he feels I am taking undue advantage, I will be glad to withdraw my amendment. [Applause.]

The SPEAKER pro tempore. Without objection, the amendment offered by the gentleman from Tennessee will be withdrawn.

There was no objection.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment. On page 2, line 14, after the figures "1925," insert "section 418, title 18, United States Code."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, in line 14, after the figures "1925," insert "section 418, title 18, United States Code."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSIONS OF TIME UNDER COAL PERMITS

The next business on the Consent Calendar was the bill (S. 1455) to grant extensions of time under coal permits.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I want to ask the gentleman from New Mexico [Mr. MORROW] why this is necessary at this time?

Mr. MORROW. The reason it is necessary is that in all these matters of coal, oil, and gas upon the public domain at times the permittee having the right to prospect fails to secure what he is seeking and asks an extension of time. The Government loses nothing. It simply leaves the matter open for further investigation and the Government gets the benefit when the discoverer finds what he has been seeking. Such extensions were granted by this House, I think, on the last consent

day with respect to oil and gas, extending the time two years. This is with respect to coal, and there is no doubt but that the department wants this legislation, and it is really a beneficial measure.

Mr. LAGUARDIA. Is this universal, or does it affect just one or two individuals?

Mr. MORROW. As I understand, it is universal as to all parties who may need such extensions. They have to make application to the department, and the department decides whether they are entitled to the extension or not.

Mr. HASTINGS. Does this apply only to public lands? It does not apply to Indian lands?

Mr. MORROW. No; it applies only to public lands.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any coal-prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended, may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence of workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any coal permit that has already expired because of lack of authority under existing law to make extensions may, in the discretion of the Secretary, be extended for a period of two years from the date of the passage of this act.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word for the purpose of calling the attention of the gentleman from New Mexico to the fact that the act of February 25, 1920, is section 201 of title 30 of the United States Code. If we amend the bill now, it will have to go back to the Senate, so I think it is best to leave the bill as it is. Does the gentleman agree with that?

Mr. MORROW. Being a Senate bill, I would prefer that the bill be left as it is.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO SELL CERTAIN PUBLIC SQUARES IN OKLAHOMA CITY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 465) to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I want to obtain a little information. We pass legislation from day to day, granting to municipal governments Federal lands with a proviso that it will be retained for public purposes by the municipality. I find that this bill will authorize the municipality to sell public land which was obtained from the Federal Government with such a reservation.

Mr. SWANK. I will say to the gentleman from Wisconsin that when these town sites in Oklahoma Territory were surveyed there were certain blocks or tracts reserved for public parks, schools, and other public purposes, and on the 10th day of January, 1919, the Department of the Interior issued patents to Oklahoma City for these little tracts. They have only two left, and one is 42 by 155 feet and the other is 82 feet square. One of them, block 23, is where the city jail and city hall are located, and block 62 they want to exchange with the Oklahoma City Railway Co., so they can open Walker Street. They have an agreement to this effect if they can get this legislation. The city has grown where these blocks are located, and they are now surrounded by buildings from 2 to 12 stories in height. The lots can not be used by the city for public purposes, and there is an amendment on the bill that this fund shall be used to buy other lands in the city for public purposes.

I will say further that last fall Oklahoma City voted a bond issue of \$4,000,000 to buy 22 acres of land in Oklahoma City for park purposes.

Mr. SCHAFER. The gentleman is absolutely certain that the city government will receive full value for this land?

Mr. SWANK. I have no doubt about it whatever.

Mr. SCHAFER. I withdraw my objection, Mr. Speaker.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, does this tie in at all with the State capitol grounds?

Mr. SWANK. No; it has nothing to do with that.

Mr. CRAMTON. It is not proposed to move the capitol into town?

Mr. SWANK. No; it has nothing to do with that.

Mr. LAGUARDIA. Reserving the right to object, I want to say I spent a lot of time in checking up this reference, and I am not sure that your reference to Twenty-sixth Statutes at Large, page 81, is correct. I find in the code that sections 1091 to 1097 of title 30 contain the act of May 2, 1890, while sections 1111 to 1119 refer to town sites, but that is the act of May 14, 1890.

Mr. SWANK. The section referred to is the act of May 2, 1890.

Mr. LAGUARDIA. I did check up on that reference, so I will only suggest to the gentleman to make sure that his reference is correct.

Mr. SWANK. I am sure it is correct.

Mr. LAGUARDIA. You can not locate it by cross reference.

Mr. SWANK. I will say that the Interior Department drafted the bill.

Mr. LAGUARDIA. I noticed that; and I spent a good deal of time yesterday trying to locate the reference.

Mr. SWANK. I will say to the gentleman that I have no doubt that the reference is correct.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Oklahoma City, Okla., be, and it is hereby, authorized, whenever in its judgment the best interests of said city require such action, to sell the five tracts of land designated as public squares, or any portion thereof, patented to said city on January 10, 1919, for public purposes in accordance with the provisions of section 22 of the act of May 2, 1890 (26 Stat. L. 81), notwithstanding the restrictions contained in said act.

With the following committee amendments:

Line 5, strike out the word "five" and insert the word "two."

Line 6, after the word "squares," insert "in block 23 and block 62, Oklahoma City, Okla."

In line 11, strike out the period after the word "act," insert a colon, and add the following: "Provided, That the proceeds from the sale of said tracts shall be devoted by said city to the public purpose referred to in said section 22 of the said act of May 2, 1890."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN PORTO RICAN TAXPAYERS

The next business on the Consent Calendar was the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

CHANGING NAME OF ANCON HOSPITAL, PANAMA CANAL ZONE, TO GENERAL GORGAS HOSPITAL

The next business on the Consent Calendar was the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That in recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Maj. Gen. William Crawford Gorgas, from and after the passage of this act the Government hospital within the Canal Zone, near the city of Panama, heretofore known as the Ancon Hospital, shall hereafter be known and designated on the public records as the General Gorgas Hospital.

SEC. 2. That the change in the name of the said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise shall be held to refer to the said hospital under and by the name of the General Gorgas Hospital.

With the following committee amendments:

Page 1, line 9, strike out the word "General."

Page 2, line 4, strike out the word "General."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital."

A motion to reconsider was laid on the table.

AMENDING THE ACT FOR CONSOLIDATED NATIONAL-FOREST LANDS

The next business on the Consent Calendar was the bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national-forest lands."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved March 20, 1922 (42 Stat., 465), section 485, chapter 2, title 16, Code of Laws of the United States, an act entitled "An act to consolidate national forest lands," be, and the same are hereby, extended and made applicable to any lands within former Spanish or Mexican land grants which lie partly within or contiguous to the boundaries of the Carson, Manzano, or Santa Fe National Forests in the State of New Mexico.

With the following committee amendment:

Page 1, line 4, before the word "and," insert "section 485, chapter 2, title 16, Code of Laws of the United States."

Mr. LAGUARDIA. Mr. Speaker, I move to amend the committee amendment by striking out the words "chapter 2."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 84. An act to approve Act 25 of the Sessions Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields.

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa.;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 6989. An act to amend the Hawaiian Homes Commission Act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg.;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Lacey's Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

SENATE BILLS REFERRED

Bills of the following title were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2449. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana; to the Committee on Interstate and Foreign Commerce.

S. 3097. An act for the relief of the State of North Carolina; to the Committee on the Judiciary.

THE CONSENT CALENDAR

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, following are a number of bridge bills. I ask unanimous consent that the Clerk may read the bills by title, the committee amendments be agreed to, and the bills as amended pass.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bridge bills may be considered without reading, amendments agreed to, and the bills read a third time and passed, and a motion to reconsider to lay on the table. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, are there any bridge bills among these on which tolls are to be charged?

Mr. DENISON. Yes. There are several. I have excluded from this list certain bridges to which I understood there will be some objection, and I will call them up separately.

Mr. DYER. I seriously object to any bill being agreed to that permits tolls to be charged. We have an intolerable situation in my city where exorbitant tolls are being collected. I will not object to any bridge that has nothing to do with tolls.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 7198) granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, has this man Henry Thane, his heirs, and legal representatives ever had permission to construct another bridge?

Mr. DENISON. I can not answer the gentleman.

Mr. REED of Arkansas. I can tell the gentleman they have not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

BRIDGE ACROSS THE OCMULGEE RIVER, FITZGERALD, GA.

The next business on the Consent Calendar was the bill (H. R. 9831) authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LA GUARDIA. Reserving the right to object, I would like to inquire if J. E. Turner, his heirs and legal representatives or assigns, has been given permission to construct any other bridge; and if so, did he construct it or sell the right?

Mr. DENISON. The gentleman from Alabama is not present, but he asked me to look after it. I can tell the gentleman this man has never appeared before Congress before. I think this is his first appearance.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT NEW MARTINSVILLE, W. VA.

The next business on the Consent Calendar was the bill (H. R. 10070) authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. There is a similar Senate bill. It is Senate bill 2801. I ask that it be substituted and considered instead of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

Sec. 3. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

Sec. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and

its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.), to construct, maintain, and operate a bridge across the Ohio River, at or near New Martinsville, W. Va."

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

Mr. DENISON. I move, Mr. Speaker, that the similar House bill be laid on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House bill be laid on the table. The question is on agreeing to that motion.

The motion was agreed to.

Mr. DENISON. The gentleman from Missouri has told us that he did not propose now to object to my request.

Mr. DYER. The gentleman advises me that these bills are of such a nature that I do not desire to object to them.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. LAGUARDIA. Mr. Speaker, I was under the impression, just as the Speaker was, that the gentleman from Missouri [Mr. DYER] was going to object; but if he does not object I reserve the right to object, because I believe that certain corporations or individuals that are given the right to construct bridges to-day have been given the right to construct some bridges previously. Can the gentleman from Illinois give me any assurance as to that?

Mr. DENISON. Mr. Speaker, I never make a statement on the floor of the House unless I know absolutely that I am right. I do not think there are any of that kind here, but I would not like to say so positively.

Mr. LAGUARDIA. The gentleman will recall that the attention of the House was called to the fact by the gentleman from Missouri [Mr. COCHRAN] that one or two individuals or corporations have obtained several permits to build bridges, and were in the business of obtaining permits from Congress and then assigning them. I do not want to do that.

Mr. DENISON. I have taken out two of that kind from the list.

Mr. GARNER of Texas. The company that is getting a permit here, I understand, has built two bridges, one in Texas and one in Alabama.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois, that certain bridge bills may be considered as engrossed and read a third time and passed?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, does the request include Calendar No. 381, the bill (H. R. 9830) granting permission to build a bridge across the Potomac River to the Great Falls Bridge Co.? If it does, I will ask the gentleman to omit that one.

Mr. DENISON. It does.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE RIO GRANDE AT ZAPATA, TEX.

The next business on the Consent Calendar was the bill (H. R. 10144) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the B & P Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Zapata, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the B & P Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B & P Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred in this act is hereby granted to the B & P Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS MISSOURI RIVER AT PLATTSMOUTH, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10373) authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Plattsmouth Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Plattsmouth, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Plattsmouth Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for

bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceeds therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Plattsmouth Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues, or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (3) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Plattsmouth Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States, shall at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Plattsmouth Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Plattsmouth Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 3, line 17, after the word "actual," insert the words "cost of acquiring such interests in real property; (3) actual financing and promotion costs."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER AT RULO, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10424) authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I would like to ask the gentleman a question. Is there any limitation on the amount they can charge and as to the period of time?

Mr. DENISON. This bill is in the form that has been approved by the two committees. The regulation of tolls is under the supervision of the Federal Government. If the company building this bridge charges tolls that are unfair, anyone can make complaint, and the Secretary of War and the Chief of Engineers can take action. The bridges are all to be regulated by the Federal Government.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, his or their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Rulo, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. That there is hereby conferred upon John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, his or their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceeds therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. That the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. That after the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. That if such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining and operating the same and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. That the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs as filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to John C. Mullen, T. L. Davies, John F. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MENOMINEE RIVER AT MARINETTE, WIS.

The next business on the Consent Calendar was the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at Marinette, Wis.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Wisconsin and the State of Michigan to construct, maintain, and operate a free highway bridge and approaches thereto across the Menominee River, at a point suitable to the interests of navigation at or near Marinette, Wis., in accordance with the provisions

of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State of Wisconsin and the State of Michigan all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment, as follows:

After the word "That" on line 3, strike out "the consent of Congress is hereby granted to" and insert "in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes"; and on line 6, after the word "Michigan," insert "be, and are hereby, authorized"; and on line 9, after the word "River" insert "at a point suitable to the interests of navigation."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE ATCHAFALAYA RIVER

The next business on the Consent Calendar was the bill (H. R. 7927) granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 8897) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, County of Cook, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

FOOTBRIDGE ACROSS THE FOX RIVER

The next business on the Consent Calendar was the bill (H. R. 9350) granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE FOX RIVER

The next business on the Consent Calendar was the bill (H. R. 9361) granting the consent of Congress to the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE ST. FRANCIS RIVER

The next business on the Consent Calendar was the bill (H. R. 9365) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 9773) authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo., where the same empties into the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE WABASH RIVER

The next business on the Consent Calendar was the bill (H. R. 9946) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, was the original grant given to the same parties who are now getting the extension?

Mr. DENISON. Yes; the State highway department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 10026) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I move to substitute the Senate bill.

The SPEAKER pro tempore. Without objection, the Senate bill will be substituted.

There was no objection.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SABINE RIVER

The next business on the Consent Calendar was the bill (H. R. 10143) authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

Mr. DENISON. Mr. Speaker, I ask that the other bridge bills be called in connection with these bills and disposed of now.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 472) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 437) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, there was an objection to this bill on last consent day, but that objection has been removed. I wish to offer a substitute for the committee amendment in order to make the bill conform to the forms that have been adopted. I have sent the amendment to the Clerk's desk.

The SPEAKER pro tempore. Without objection, the substitute amendment for the committee amendment will be agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS THE OHIO RIVER

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on H. R. 472 and H. R. 437, including in the remarks excerpts from agreements entered into between certain parties.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, H. R. 472 is a bill introduced by myself, and H. R. 437, immediately following it on the calendar, is a bill introduced by the gentleman from Ohio [Mr. KEARNS]. As introduced, it sought to secure permit for the construction of a bridge across the Ohio River between Maysville, Ky., and Aberdeen, Ohio.

To-day the gentleman from Illinois [Mr. DENISON] offered a complete substitute for H. R. 437, which authorized the construction of a combination railroad and vehicular bridge (an "and/or" bill), together with a recapture clause in the event it should be desired to secure for the benefit of the public the right to use the vehicular portion, should a combination bridge or only a vehicular bridge be constructed. This substitute provides that a railroad bridge may be constructed, or a vehicular bridge may be constructed, or that both might be so constructed; and, as I stated, it carries the right in the public to secure by condemnation the vehicular bridge, or the portion of the combined bridge, as the case might be, that may be constructed.

I make this statement because of the fact that on February 6 I called attention to the nature of the bill H. R. 437, originally introduced and as reported from the committee, both in respect of the combination features and the recapture clause. After the debate upon the bills at that time, upon my suggestion, negotiations were entered into between the gentlemen sponsoring the two bills looking toward an adjustment of the matter, to the end that the people would see a bridge constructed, which all admitted would be of wondrous benefit to that entire section. The written contract, executed by all involved, was signed February 28, 1928, under which agreement the opposition to the passage of both bills has disappeared and to-day we find Mr. WILSON, one of the sponsors of the Maysville Bridge Co. bill (H. R. 437), for the first time agreeing that the two bills should pass. This has always been the attitude of those sponsoring H. R. 472. I felt that it would be well to preserve and keep clear the record relative to this legislation, and so I insert herewith certain paragraphs of the contract above referred to, which show succinctly the program agreed upon:

Witnesseth: That—

Whereas there is now pending in Congress a bill authorizing party of the first part to construct a bridge over the Ohio River from Maysville, Ky., to Aberdeen, Ohio, and also a bill authorizing party of the second part to construct a bridge over the Ohio River between the same points; and

Whereas the said parties of the third part are interested with the party of the second part in its proposed construction of said bridge; and

Whereas all parties hereto feel that it is of the highest importance to this community that facilities for interstate commerce be provided between the above points, without unnecessary delay and that such consummation may be endangered by the continuation of their independent efforts, as neither bill can pass without the passage of the other:

Now, therefore, it is hereby agreed between all parties hereto as follows:

"First. That all parties hereto will use their best efforts to secure the prompt enactment into law of both bills now pending. Promptly upon the approval of either or both of said bills by the President of the United States, the parties in whose favor such legislation may be drawn hereby agree to immediately assign such permits in blank and to deliver same to the Central Trust Co. of Cincinnati, Ohio, in escrow, accompanied with verified copies of this agreement to be held by said depository for delivery to the party of the first part or to the parties of the second and third part, jointly, according to the terms of this contract and upon compliance with the conditions thereof, and such depository is hereby authorized to insert the name of the purchaser or purchasers in any blank in the assignment, where necessary or proper.

"The party of the first part agrees that within six months after the passage of the bill by Congress and the approval of the plans by the Secretary of War which approval shall be promptly obtained authorizing it to construct said bridge, it will make all necessary financial arrangements insuring the construction of said combination bridge,

approaches and viaduct in accordance with plans prepared for it by James A. Stewart Co., copies of which are herewith furnished to parties of second and third part, and which plans are made a part hereof as though incorporated herein, or attached hereto, or in conformity with plans of other reputable engineer, which plans shall provide for the construction of substantially the same proportion of the completed combined bridge, the completed approaches, and the completed viaduct, and further will begin the actual construction of said bridge within said period of six months.

"It is expressly agreed that the first party will construct as a part of such plan the vehicular viaduct between Bridge Street and Forest Avenue, Maysville, Ky., as provided in such plans. The connection between Forest Avenue and Bridge Street is to be provided and continued without cost to the city of Maysville and subject to travel free of toll.

"The ability of said first party to construct is to be evidenced within the above time by a contract with financially responsible parties for the financing thereof, which contract shall contain a clause that the parties signatory thereto guarantee to W. W. Ball, Jr., and his associates that said contract will be fully performed within three years of the date thereof, subject to delays arising from acts of God, strikes, or the public enemy, or in default thereof the two bridge permits will be assigned, unused and unimpaired, to said second and third parties. As a guarantee for the faithful performance of such clause the undersigned stockholders of the Maysville Bridge Co. sign their names hereto as guarantors. A signed duplicate of said contract is to be delivered to said W. W. Ball, Jr.

"On performance of these conditions precedent, the depository of the escrow is to deliver to first party such bridge permits as are deposited with it."

From this it can be seen the Maysville Bridge Co. will have the first six-months period after the passage of the bill by Congress and the approval of the plans by the Secretary of War to make the necessary financial arrangements to insure the construction of the combination bridge, approaches, and viaduct referred to in the contract and are to begin the actual construction of said bridge within the six months' period aforesaid. In the event that the combination bridge is financed, the construction thereof is further guaranteed by the agreement to construct it within three years. The stockholders of the Maysville Bridge Co. sign their names as guarantors of this provision.

The vehicular viaduct between Bridge Street and Forest Avenue, Maysville, Ky., provided in the plans of this company, is really a portion of the approaches of the bridge under this plan, but it is agreed that this viaduct may be used as a street connection without cost to the city of Maysville and subject to such public use free of toll. This is a very valuable right which will come to the citizens of this locality if this plan is put through to consummation.

I quote further from the contract:

In the event that party of the first part is unable to comply with the conditions precedent, above stated, to secure the delivery of the escrow, the depository is to deliver the permit or permits deposited with it, to said second and third parties, jointly, for their sole ownership and use in the construction of a bridge, as by the permits authorized.

The contract is executed in triplicate. The Maysville Bridge Co. signed it through Horace J. Cochran, president, and O. W. Bennett, secretary. The stockholders of the Maysville Bridge Co. signed it in the persons of Horace J. Cochran, A. J. Cochran, O. W. Bennett, J. M. Wilson, T. A. Duke, W. B. Campbell, The Dwight P. Robinson & Co. (Inc.), executed it through J. K. Ostrander; and W. W. Ball, Jr., signed in his own proper person.

So, if the Maysville Bridge Co. fail to construct the bridge, approaches, and viaduct described in the contract aforesaid within six months, then the Dwight P. Robinson Co. and W. W. Ball, Jr., are to become the sole owners of the permits. Thus, it appears to us that it is a happy solution to the problem. The policy of Congress in respect of bridge permits will have been followed; the full and free opportunity to construct a combination bridge is afforded; and failing to see its realization, the vehicular proposal will have its opportunity. All in all, every opportunity is offered for the construction of a bridge which will serve a large section of Kentucky and Ohio.

BRIDGE ACROSS CHESAPEAKE BAY

The next business on the Consent Calendar was the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ILLINOIS RIVER NEAR PEORIA, ILL.

The next business on the Consent Calendar was the bill (H. R. 10566) granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR DECATUR, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10658) authorizing the Interstate Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER NEAR POINT MARION, PA.

The next business on the Consent Calendar was the bill (H. R. 10707) authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MIAMI RIVER

The next business on the Consent Calendar was the bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR ATCHISON, KANS.

The next business on the Consent Calendar was the bill (H. R. 10806) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER NEAR WELLSBURG, W. VA.

Mr. DENISON. Mr. Speaker, Calendar No. 361, bill S. 797, was passed over because I knew there would be objection. I would like for the bill to be called up and for the Record to show that there is objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill (S. 797), as follows:

An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MURPHY. Mr. Speaker, I object.

BRIDGE ACROSS THE WABASH RIVER NEAR VINCENNES, IND.

The next business on the Consent Calendar was the bill (H. R. 9953) authorizing the State of Indiana, acting by and through the State highway commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object.

Mr. LUCE. Mr. Speaker, there is before the Committee on the Library a proposal for a large appropriation to aid in a memorial of George Rogers Clark at Vincennes, Ind. A similar bill has passed the Senate and has come to the House.

This bill contemplated that a bridge at Vincennes should be ornamented, made monumental in its nature, as part of the celebration. This is the first intimation that has come to me that there is any proposal to have a toll bridge there. I suspect that the Committee on the Library would hardly be inclined to look with favor upon a Government appropriation to commemorate George Rogers Clark which would adorn and decorate at public expense a toll bridge. Can the gentleman explain?

Mr. DENISON. Mr. Speaker, I had not heard there was any such proposal. Of course, the fact that there was such a bill in the Senate had not been called to our attention. This bill came to our committee and we had to act upon it. No objection was presented. If the facts are as stated by the chairman of the Committee on the Library, I suggest the gentleman object to this bill, so that it will be passed temporarily until we can know whether the House is going to consider the other bill or not.

Mr. LUCE. Perhaps the gentleman at your left will explain.

Mr. GREENWOOD. The bill to build the bridge that the gentleman calls attention to is the subject of negotiations and cooperation between the Highway Commission of Illinois and that of Indiana, and so far the State of Illinois has seen fit not to join the State of Indiana. This will permit the highway commission to build the bridge and reimburse itself so far as one-half is concerned in case Illinois does not join with Indiana.

Mr. LUCE. I trust I have served some useful purpose by calling attention to the remarkable suggestion, unprecedented as far as I know, that the appropriation by the Federal Government should be used to adorn and beautify with sculpture and fine stone work a bridge upon which toll is to be charged.

Mr. GREENWOOD. Let me explain, there is no such provision in the bill. The gentleman will notice that the money was to be raised by popular subscription on behalf of the people of the community and nothing asked from the Federal Government to adorn the bridge.

Mr. LUCE. It is a part of the project of commemoration, and I think I was justified in bringing out the fact that subscription is to be asked from the public for adorning a toll bridge.

Mr. HUDSON. Mr. Speaker, I object.

BRIDGE ACROSS TAMPA BAY, FLA.

The next business on the Consent Calendar was the bill (H. R. 9663) authorizing Herman Simmonds, jr., his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS COUNTY, MO.

The next business on the Consent Calendar was the bill (H. R. 10145) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. DENISON. Mr. Speaker, I desire to state in relation to this bill, and also Calendar No. 376, that the gentleman from Missouri [Mr. COCHRAN] wants some time to make some inves-

tigation, and at his suggestion I will ask unanimous consent that these two bills be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS THE POTOMAC RIVER AT GREAT FALLS

The next business on the Consent Calendar was the bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, is this going to be a toll bridge like the toll road we have going to Great Falls where you pay 25 cents to go over it and \$5 to \$10 to be pulled out?

Mr. MOORE of Virginia. When this bridge is built there will be a hard road from the bridge to the main highway, and it is expected the highway commission will take care of the latter.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. I yield.

Mr. BLANTON. Is it not a fact that we have not yet determined what is going to be done with Great Falls, or whether the Government will take it over, and under the circumstances I do not think the gentleman ought to press his bill.

Mr. MOORE of Virginia. It has been in a state of indetermination for more than half a century. Let me make this point. There is an amendment offered by the committee declaring that the bridge, if constructed, shall not interfere with any water-power plan.

Mr. BLANTON. There are a half dozen propositions before us, or have been before the District Committee, and it is in an inchoate state now as to what is to be done with Great Falls. We ought not to have a bridge built there until the Government decides what it is going to do.

Mr. MOORE of Virginia. It will perhaps be a hundred years before there is any development at Great Falls, if ever.

Mr. BLANTON. I hope something proper soon will be done, not to build a \$75,000,000 power plant for the Power Trust, but to preserve Great Falls for the Government and the people. I object for the present.

BRIDGE ACROSS AN ARM OF LAKE MEMPHREMAGOG

The next business on the Consent Calendar was the bill (S. 2698) granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AT MILITARY POSTS, AND FOR OTHER PURPOSES

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11134.

Mr. QUIN. Mr. Speaker, will the gentleman withhold his motion for a moment?

Mr. JAMES. Yes; I will withhold it.

CERTAIN LANDS IN LOUISIANA AND MISSISSIPPI

Mr. QUIN. Mr. Speaker, I ask unanimous consent to take up House bill 6993.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to take up No. 336 on the calendar, H. R. 6993. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6993) authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I wish to ask the gentleman from Mississippi what is the hurry in selling this land? Will the gentleman tell us?

Mr. QUIN. There is no hurry about it at all. The only thing about it is that we can not get a title without this legislation.

Mr. LAGUARDIA. Is this land that they own?

Mr. QUIN. Yes.

Mr. LAGUARDIA. Is the right to be given to the owners of the upland or adjoining land?

Mr. QUIN. Anybody can buy it. This is the Interior Department's bill. They amended my bill and put in it a regular rule.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, is the purchaser already known who is going to buy this land?

Mr. QUIN. He has the first right to buy the land.

Mr. SCHAFER. It is a good bill, is it?

Mr. QUIN. Oh, yes.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment to the United States of \$1.25 per acre, the Secretary of the Interior be, and is hereby, authorized to issue patents to the owners in good faith of sections 6, 13, 14, 15, and 16 of township 5 north, range 4 west, and sections 4 and 5 of township 4 north, range 4 west, Washington meridian, in the State of Mississippi, and sections 11, 12, 19, to 37, both inclusive, and sections 65, 66, 67, and 68 of township 5 north, range 9 east, and sections 1, 2, 3, 4, 37, and 45, of township 4 north, range 9 east, Louisiana meridian in the State of Louisiana for those lands which he has found or shall hereafter find are public lands of the United States that have accreted thereto: *Provided*, That the Secretary of the Interior be, and is hereby, authorized to cause such accreted area to be divided into such tracts as constitute an equitable division of such accretions among the owners of the lands described herein: *And provided further*, That payment be made and application filed hereunder in the district land office within six months after the final division of the accreted area as provided for herein.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands which he has found or shall hereafter find are public lands of the United States that have accreted to section 14 of township 5 north, range 4 west, Washington meridian, in the State of Mississippi, and to sections 65, 66, 67, and 68, of township 5 north, range 9 east, Louisiana meridian, in the State of Louisiana, and which are not lawfully appropriated by a qualified settler or entryman or other adverse claimant claiming under the public land laws.

"SEC. 2. That the owners of said above-described lots or sections shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated an application to purchase the public lands thus formed by accretion at any time within 90 days from the filing of plats of such accreted area in the United States land office. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right by virtue of the ownership of said above-described lots or sections and that the lands which he applies to purchase are not in the legal possession of any adverse claimant.

"SEC. 3. That upon the filing of any application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, including the timber thereon, and the stumpage value of any timber cut or removed by the applicant or his predecessors in interest. Such appraisal shall be exclusive of any increased value resulting from the development or improvement of the land for agricultural purposes by the applicant or his predecessors in interest.

"SEC. 4. That an applicant who applies to purchase land under the provisions of this act, in order to be entitled to receive a patent must, within 30 days from receipt of notice of appraisal by the Secretary of the Interior, pay to the register of the United States land office of the district in which the lands are situated the appraisal value of the lands, and thereupon patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

"SEC. 5. If, at the date of the approval of this act, any of the lots or sections or parts of lots or sections above described are covered by a pending entry on which satisfactory final proof in support thereof has not been submitted, patent based on any application to purchase land subject to the provisions of this act shall be withheld to await the completion of the pending entry. If, upon completion of the pending entry it shall then be found that applicant has shown due compliance with the law under the said pending unperfected entry and his application to purchase is otherwise satisfactory patent on said application to purchase shall then be issued.

"SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT TO THE CONSTITUTION

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Gentlemen of the House, to-morrow, under the arrangement already made, we will begin the consideration of the Norris-White amendment to the Constitution. When the matter is reached in Committee of the Whole I propose to offer an amendment to the pending resolution making the tenure of the Members of the House four years instead of two years, as at the present time, and for the information of the Members of the House, and in order that it may go into the Record, I ask that the Clerk read the text of the proposed resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

SEC. 2. The House of Representatives shall be composed of Members chosen by the people of the several States for four years. Immediately after they shall be assembled in consequence of the first election after the ratification of this article, they shall be divided as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year.

CONSTRUCTION AT MILITARY POSTS, AND FOR OTHER PURPOSES

Mr. JAMES. Mr. Speaker, I now move to suspend the rules and pass the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the bill H. R. 11134.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$12,964,950, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows: Albrook Field, Panama, noncommissioned officers' quarters, \$413,000, officers' quarters, \$378,000; Fort Kamehameha, Hawaii, barracks, \$35,000; San Juan, P. R., barracks, \$10,000, officers' quarters, \$140,000; Schofield Barracks, Hawaii, barracks, \$830,000; Wheeler Field, Hawaii, barracks, \$504,000, noncommissioned officers' quarters, \$300,000, officers' quarters, \$666,000; Alcatraz Island, Calif., addition to utilities building, \$15,000; Fort Benning, Ga., noncommissioned officers' quarters, \$130,000, officers' quarters, \$370,000; Fort Bliss, Tex., noncommissioned officers' quarters, \$150,000; Fort Bragg, N. C., barracks, \$186,000, noncommissioned officers' quarters, \$102,000, officers' quarters, \$212,000; Chanute Field, Ill., barracks, \$150,000, officers' quarters, \$70,000; Camp Devens, Mass., noncommissioned officers' quarters, \$100,000, officers' quarters, \$150,000; Fort Humphreys, Va., noncommissioned officers' quarters, \$180,000; Fort Jay, N. Y., barracks, \$300,000; Langley Field, Va., noncommissioned officers' quarters, \$300,000; Letterman General Hospital, California, nurses' quarters, \$70,000, hospital, \$50,000; Fort Lewis, Wash., barracks, \$350,000, noncommissioned officers' quarters, \$68,000, officers' quarters, \$50,000, nurses' quarters, \$32,000; March Field, Calif., noncommissioned officers' quarters, \$150,000; Camp McClellan, Ala., officers' quarters, \$225,000; Fort McPherson, Ga., hospital, \$150,000; Camp Meade, Md., noncommissioned officers' quarters, \$150,000, officers' quarters, \$250,000, hospital, \$150,000; Mitchel Field, N. Y., barracks, \$280,000, noncommissioned officers' quarters, \$120,000; Fort Monmouth, N. J., officers' quarters, \$350,000; Fort Monroe, Va., officers' quarters, \$268,000; Fort Riley, Kans., noncommissioned officers' quarters, \$125,000, officers' quarters, \$125,000; Fort Sam Houston, Tex., barracks, \$870,000, post signal communication center building, \$30,000; New Primary Flying School, San Antonio, Tex., barracks, \$180,950, noncommissioned officers' quarters, \$540,000, officers' quarters, \$1,250,000; Presidio of San Francisco, Calif., chapel, \$40,000; Scott Field, Ill., noncommissioned officers' quarters, \$150,000; Selfridge Field, Mich., noncommissioned officers' quarters, \$100,000, officers' quarters, \$300,000; Fort Slocum, N. Y., barracks, \$246,000, noncommissioned officers' quarters, \$54,000; Fort Wadsworth, N. Y., barracks, \$250,000; Walter Reed General Hospital, Washington, D. C., nurses' quarters, \$300,000: *Provided*, That the north center of the building shall be approximately 600 feet east of the north and south line which forms the western boundary

of the reservation and approximately 260 feet north of the line which forms the south boundary of the reservation.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

Mr. BLANTON. Is the gentleman from Tennessee in favor of the bill?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. I am against the bill.

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized for 20 minutes and the gentleman from Texas is recognized for 20 minutes.

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker and gentlemen of the House, there has been for several years a very pronounced agitation in favor of procuring better housing accommodations for the Army. Several of the magazines of the country have carried articles describing the conditions that exist. I have not agreed entirely with the adjectives that many of these magazines employed. It was quite common to use the adjective "disgraceful." I do not agree with the use of such harsh language, because as a general proposition nothing can be disgraceful when an individual or a nation is doing the best it can.

Mr. O'CONNELL. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNELL. The gentleman does not take everything a magazine says to be true?

Mr. McSWAIN. That is the reason I did not agree with them. But, as a matter of fact, due to the somewhat considerable expansion of the Army after the reorganization of 1920, it has been housed not in permanent barracks and not in permanent quarters, but in the temporary structures of war-time construction. These, of course, have begun to decay. In many cases they are, as a matter of fact, very, very uncomfortable; and it is only a matter of time before they would become absolutely uninhabitable. However, in passing, I wish to commend the spirit that has prevailed among the personnel of the Army in many of the posts where these temporary structures were their enforced habitations. I visited Fort Bragg, N. C., and I found they used exclusively the temporary war-time structures for the housing of the men and of the officers.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. ABERNETHY. Is Fort Bragg taken care of in this bill?

Mr. McSWAIN. It has already been partially taken care of. There is a provision here for additional barracks at Fort Bragg. But, of course, that will furnish only partial relief. I am going to explain that. This is but a beginning, a necessary beginning, and in my humble judgment the minimum of a beginning for the final housing program of the Army.

Mr. ABERNETHY. I understand it is the present temper and idea of the Military Affairs Committee, under the leadership of Mr. JAMES, to be in favor of proper accommodations for these posts?

Mr. McSWAIN. Most assuredly. I was going to mention the fine spirit I found prevailing at Fort Bragg, due, I think, to the fine example set by its commanding officer, Brigadier General Bowley, inspiring those under his immediate command and prevailing down through the rank and file of the entire organizations there stationed to put up with and to make the very best of the conditions that were inevitable. But those structures and the structures throughout the country will in a very short time become uninhabitable.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNOR of New York. With reference to Fort Bragg, I had an opportunity to see it in November. It was almost impossible to conceive of human beings living in such quarters.

Mr. McSWAIN. Well, I have seen hundreds and thousands of human beings live and work every day in the year under conditions not very much worse, if any worse, than these. So I say personally I do not agree with the proposition that it is disgraceful, because we have done the best we could. But we have now come to the time when we can do better and if, having come to the time when we can do better, we do not do it, then I say it will become "disgraceful." So this represents, Mr. Speaker, ladies, and gentlemen of the House, what is properly

and wisely described as the minimum of the housing program for the Army of the country. It is a minimum of a minimum, in my humble judgment, and from the statements I have already made it must appear that I am in no way a rabid or extreme person in matters of this kind. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, I am just as good a friend of the Army as any man in this House. I have just as many strong, personal friends in the Army as any other man in this House. Many of them are my personal friends, for whom I have the highest regard, and with whom I have the closest personal contact. I want to do everything for them that should be done, but the trouble of it is that we can not depend altogether on our Committee on Military Affairs on bills that the Army brings to them, and we can not depend altogether on our Committee on Naval Affairs concerning naval propositions that the naval administration wants put into law.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLANTON. I yield to my friend.

Mr. O'CONNELL. Where, then, can we get the real information?

Mr. BLANTON. Well, we are just simply up against it, if some of the balance of the Members do not look into these bills. You can have a Member who is not for a big Navy; you can take one who is for the smallest Navy and put him on the Naval Affairs Committee and surround him with that naval influence and let him take a few trips on battleships and let him travel around the world with naval officers, and the first thing you know he is for as big a Navy as FRED BRITTEN. That is the way it is with every man we create as Secretary of the Navy and every man whom we create as Secretary of War. He might soon be surcharged with that Army atmosphere and with the naval atmosphere until he thinks as they think, and he is willing to act as they want him to act.

Mr. McSWAIN. Will the gentleman yield?

Mr. BLANTON. I am not casting any reflection on my distinguished friend, but he will admit that he had a bill in here that he reported, with two sections in it, and when I called his attention to the bad effects of the first section he said, "My goodness, I did not know that was in there." He helped us to kill it, but he had reported it for the Army officers.

Mr. McSWAIN. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. McSWAIN. The gentleman has excoriated the Naval Affairs Committee. I have nothing to do with that, but I wonder if the gentleman would not say that the Military Affairs Committee, at least with regard to the War Department, is a little less guilty?

Mr. BLANTON. Well, considering all the bills I have closely inspected which they have reported, I am afraid I can not do it. [Laughter.]

Mr. McSWAIN. If you knew us as we know ourselves, you would certainly excuse us. [Laughter.]

Mr. BLANTON. When I first came here our distinguished friend from Georgia, Mr. CARL VINSON, had very conservative ideas about the Navy. He has been so long upon the Naval Affairs Committee until I can not follow him on Navy matters in the House, as I did formerly.

Mr. O'CONNELL. He saw the light.

Mr. BLANTON. It has not been long since the War Department came in here with its special bill and wanted us to give them permission to sell all of the surplus war property and to put the money into a revolving fund—to take it away from the control of Congress and give it to the Army and let the Army spend the \$20,000,000 for buildings and construction. We did this. I fought that bill and it was passed over my protest. I did everything I could to kill it, and I called attention then to the fact that they would sell the property and would take the money and would spend it, and I also called attention to the fact it would not be two years before they would be back here for more money from the Congress and for more money than they would have had if we had not given them the proceeds from the sale of this property.

But you passed the bill, and they sold the property; and do you know how much that property involved? Twenty million dollars, they said at the time, and they have spent \$21,000,000 up to this time, good hard-earned dollars of the people that came out of their pockets as tax money during the war. The property was sold in some instances for one-tenth of what it cost the people, and that \$20,000,000 is gone.

Mr. WRIGHT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WRIGHT. The gentleman is about the most industrious Member of the House that I know.

Mr. BLANTON. I doubt that it pays to be industrious.

Mr. WRIGHT. Will the gentleman point out any item in this bill that is not meritorious?

Mr. BLANTON. I am coming to that now.

Mr. WRIGHT. And in calling attention to the item I want to know if the gentleman from Texas has any objection to the \$3,000,000 approximately that his State of Texas gets under this bill?

Mr. BLANTON. That is exactly what I was coming to—the sop that is in this bill. I am as loyal a Texan as ever came from that State. I love my State. I will do anything in the world that is honorable for it. I am for its best interests, and so is my friend EUGENE BLACK.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. In just a moment. Yet I saw EUGENE BLACK vote against an appropriation for navigating Red River or some other stream in his section because he knew that that stream was not navigable and he knew that it would be money wasted. Now this money that they have in this bill may be needed down at Fort Sam Houston. They have in this bill \$870,000 for barracks at Fort Sam Houston, and \$30,000 for a post signal communication center building, and they have \$180,950 for the primary flying school there, and \$540,000 for officers' quarters. They have \$1,250,000 in this bill for our State. Therefore, forsooth, every man from Texas ought to vote for it, is their idea.

Now, after we gave them this \$20,000,000 that they ought to have spent for proper quarters and for the various things that are in this bill, they came in here not long ago with an authorization for \$2,100,000 to be spent at Sawtelle, Calif., when they ought to have built that out of the \$20,000,000 and saved us the necessity of making that new appropriation.

Mr. JAMES. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JAMES. The money to be used at Sawtelle is for the soldiers' home and has nothing to do with the Army.

Mr. BLANTON. The soldiers' homes ought to have had part of the money from the sale of surplus war properties.

Mr. JAMES. The soldiers' homes have never been a part of the Army.

Mr. BLANTON. You can not disconnect the soldiers' homes from the Army or from surplus war property. They are intimately connected, and the other day we passed another bill authorizing an appropriation of \$1,500,000 for a soldiers' hospital at Dayton, Ohio, that ought to have come out of the \$20,000,000 sale of surplus property left over from the war.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SCHAFER. The gentleman is not willing to have these old, disabled soldiers housed in firetraps, is he?

Mr. BLANTON. Oh, no. I am just as much in favor of protecting them as the gentleman is. These buildings have not burned yet. They have been at Dayton, Ohio, for some time and I have been through there in my car and I have seen that plant there. I have been going back and forth through there for 11 years, and they have never had an accident or a catastrophe. I want to see them have what they need, but I wanted the Army to take that \$20,000,000 worth of the people's property and spend the proceeds therefrom where it ought to be spent and not fritter it away.

Mr. ARENTZ. Will the gentleman yield?

Mr. BLANTON. In just a minute, I will. After giving them the \$20,000,000, and the \$2,100,000 in California and the \$1,500,000 at Dayton, Ohio, this bill authorizes another appropriation of \$12,964,950.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. BLANTON. I promised first to yield to our friend the gentleman from Nevada, but since he does not desire it, I yield to the gentleman from New York.

Mr. LAGUARDIA. Has the gentleman been able to ascertain how much of the surplus property has actually been sold and how much they have realized from it?

Mr. BLANTON. I understood they had sold about \$20,000,000 worth.

Mr. LAGUARDIA. Did they get the money for it?

Mr. BLANTON. I do not know. If they did not, it was their own fault.

Mr. LAGUARDIA. Well, they ought not to have gone into that business. They should have turned the property over to the Treasury Department, and let people who know about real estate conduct the sale of that property.

Mr. BLANTON. That is exactly the position that the gentleman from New York took, and the position that the gentleman from Texas took, and when they sold that property the proceeds ought to have been covered into the General Treasury, and

when they wanted money they should have come to Congress. Then we would know exactly what they had done with the money of the people which came from the sale of this surplus property.

Mr. McSWAIN. Let me say to the gentleman that the Committee on Military Affairs was so jealous of its authority that it insisted on the money being turned into the general fund, and this appropriation being specially authorized from time to time.

Mr. BLANTON. That is the trouble with the gentleman's committee; that is, all it did was to insist. The Army compelled them to give it to them. It has been made a special fund.

Mr. McSWAIN. It is earmarked in the book, and we have to direct how it shall be spent.

Mr. BLANTON. In my time, will the gentleman tell how much they have sold?

Mr. McSWAIN. About \$9,000,000 worth.

Mr. BLANTON. Is that all?

Mr. McSWAIN. That is all that they have got the money for.

Mr. BLANTON. Have they not sold \$20,000,000 worth?

Mr. McSWAIN. No. The bill gave the States and the counties and municipalities the first call on property near them for public-park purposes. Much of the appropriation was stricken out of the bill, like Fort Washington and Fort Howard, so there has been turned into the Treasury about \$9,000,000 worth, and this Congress is appropriating and has appropriated \$9,000,000. It has not turned it over to them to be spent, we have been too careful for that.

Mr. BLANTON. I doubt that. [Laughter.] Can the gentleman tell me what they have done with the \$9,000,000?

Mr. McSWAIN. The Treasury of the United States got it.

Mr. BLANTON. But they have spent it.

Mr. McSWAIN. We have spent it; we spent some in Texas.

Mr. BLANTON. I want to ask my friend, the gentleman from Michigan, is it not a fact that since we passed that bill the Army has spent \$20,000,000?

Mr. JAMES. Exactly \$21,000,000.

Mr. BLANTON. Now I am getting the facts. Twenty-one million dollars for building construction?

Mr. JAMES. The act of Congress authorized the appropriation of \$21,000,000 at Sam Houston and other places.

Mr. BLANTON. Oh, they always bring in Sam Houston, probably because they think it will get 18 Texas votes.

Mr. JAMES. If the gentleman will look, he will see that the first \$3,000,000 went where there are no votes—to Porto Rico and the Panama Canal. We are trying to house the soldiers and protect them.

Mr. BLANTON. I am for taking care of the Army and building proper barracks and giving them proper quarters.

I am reminded that my wife was visiting the wife of a general, and the wife of the general said, "I want to show you what the Government furnishes us, and how hard-hearted your husband has been toward us." She took her into this great big house where she said she had only one servant, and said she had to take care of this house and 10 bathrooms, and the Government only furnished them one servant. My wife said, "Well, you are better off than I am. I am the wife of a Congressman and the Government does not furnish me with any bathrooms nor a house servant. We have had to pay \$150 per month for a house and we have only one servant and have to pay for that." That is what is the matter with the Army officers; they are asking too much. This general's wife had 10 bathrooms when she ought not to have but 2. They do not properly spend the money, and that is one reason why I took the floor to protest against this bill. We ought to stop the departments from preparing special bills and sending them to the committees and have them introduced as department bills.

I got after my distinguished friend the other day, the chairman of the Committee on Indian Affairs. I was astonished when I found the Indian Bureau had sent a big batch of bills to him to be introduced as department measures. They had been passed around among the Members, and some of them introduced by him by request. That was proper, and I commended him for it. And others were introduced as Members' bills. Departments ought to be stopped from sending specially prepared bills to committees to be parceled out in that way.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEAVITT. The Department of the Interior sent the bills down in connection with its duty in caring for the welfare of the Indians. If it did not do so, it would not be doing its duty.

Mr. BLANTON. Well, they ought to be introduced as departmental measures. They ought not to be brought in as Mem-

bers' bills under Members' names. The chairman ought to introduce them. If the Immigration Department sends a bill to the committee of which our friend from Washington is chairman, I guarantee that when he puts it in the basket he indicates that it is a department bill, and not anybody else's bill.

Mr. JOHNSON of Washington. All these departments have a way of recommending legislation in their reports. The gentleman can write a bill and submit it.

Mr. BLANTON. I am talking about bills written by the departments, every word of them, and sent to the committees with the request that they be passed.

Mr. JOHNSON of Washington. I want to get back to this matter concerning the quarters of the Army. I am in favor of letting a sergeant have facilities for raising a family.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. SCHAFER. Will the gentleman support this bill if we incorporate in it an amendment providing that none of the buildings constructed under its provisions shall provide for any more than two baths for a general? [Laughter.]

Mr. BLANTON. I will support it if you pass an amendment that not a dollar shall be expended for officers' quarters until every noncommissioned officer and every private shall be furnished with proper quarters. I want them provided for first. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FURLOW. Mr. Speaker, this Army housing bill has given rise to a very interesting discussion; but I want to say at the outset that this is not a department bill. It did not come from the department, but came from a man who is a Member of this Congress and who made a journey of 25,000 miles in order to get the material upon which to base this bill. I have reference to the gentleman from Michigan [Mr. JAMES], and to him, I know, this House desires to pay a deserved tribute. [Applause.]

The problem of providing necessary housing for the reorganized Regular Army was brought to the attention of the Committee on Military Affairs immediately after the World War. In fact, the study of this problem began while the national defense act of 1920 was being written by the Military Committee.

It was at once recognized that this housing question was closely related to the disposition of surplus War Department real estate, and the two problems have been studied together continuously since the war.

The permanent housing program for the Regular Army could not be definitely settled until a final decision had been reached as to the peace-time stations of the organizations of the Regular Army. The national defense act of 1920 imposed a mission upon the Regular Army which made the final decision in this matter of permanent stations difficult to reach. In addition to the mission of providing garrisons for our overseas possessions and a military force in the United States organized, trained, equipped, and located so that it is readily available for immediate service in case of a national emergency, the national defense act imposed upon the Regular Army the duty of training the citizen components of the Army of the United States, which, by the national defense act of 1920, were put on a very much higher plane than they had ever occupied before in the history of our country in time of peace. So far as permanent peace-time stations are concerned, the requirements of training the citizen army are in many instances in conflict with the requirements of an immediate mobilization of the Regular Army itself. It required much thought, study, and, to a certain extent, actual trial in the location of organizations to reach a decision which would be satisfactory from both points of view and at the same time would be consistent with the economical administration of the Army.

By January of 1926 these various studies were sufficiently advanced and final decisions had, in a sufficient number of cases, been reached to justify Congress in making a start with the permanent construction for the Army. In March, 1926, the initial act of Congress in this matter was passed. This provided for the sale of military reservations no longer needed, and authorized the proceeds from such sales to be deposited in the Treasury to the credit of the military post construction fund, and the means was thus provided for a start to be made on the present Army housing program.

In May of that same year, 1926, the first authorization bill for permanent construction under the present Army housing program was passed by Congress. This first bill carried a total of nearly \$6,000,000. Since that time about \$20,000,000 more has been authorized by Congress to carry forward this program.

On July 2, 1926, the President approved the bill authorizing the development of the Army Air Corps under the five-year

program. This five-year program modified somewhat and enlarged materially the housing requirements for the Army. Fortunately, it was passed at a time which made it possible to fit the requirements of the five-year Air Corps program into the general housing program for the Army.

The bill under consideration carries a total of approximately \$13,000,000 and is intended to become available for use during the fiscal year 1930.

The preliminary study of this subject by the Military Affairs Committee, the initial acts of Congress on this subject, and the carrying forward of the program since the initial authorizations were made, have been due primarily to the interest, industry, and untiring energy of our esteemed colleague from Michigan, Hon. FRANK JAMES.

Immediately after the adjournment of Congress, last March, Mr. JAMES began preparations for an extensive investigation of housing conditions in the Army by means of a personal inspection. He indicated to the Secretary of War and to the Chief of Staff the purpose of his visit, the places he desired to visit, and the nature of the inspection which he desired to make. Instructions were sent from the War Department to the responsible commanding officers concerned, and they were directed to furnish Mr. JAMES the information which he would call for and to render him every possible assistance in his investigations and inspections.

It is a fact that he got up out of a sick bed on the last day of June to start on this tour of inspection. His travels took him to Army stations near New York City, to the Panama Canal Zone, to Hawaii, to the Army posts and stations along the Pacific coast from northern Washington to southern California, and along the Mexican border, through the Southern States and to a number of stations in the Middle West. He traveled more than 25,000 miles. More than 7,500 miles of this travel was by airplane. His trip by air began at San Francisco. He went to Takoma and Spokane, Wash., and from Spokane back to San Francisco, and thence to Los Angeles and San Diego. From San Diego he went to El Paso, to Fort Clark, and to San Antonio, Tex. From San Antonio he went to Fort Sill, Okla., and back to Houston and Galveston. From Galveston he flew about 100 miles over the Gulf. Leaving New Orleans he went to Montgomery, Ala., Columbus, Ga., Anniston, Ala., Atlanta, Ga., Spartanburg, S. C., Fort Bragg, N. C., and thence to Langley Field, and finally to Bolling Field here in Washington. Later, he flew to Wright Field at Dayton, Ohio, and to Fort Benjamin Harrison, Ind. It is a trip by air of which any man may well be proud.

In calling the attention of the House in this brief manner to what has been, and is being done in the development of the Army housing program, I not only desire to pay a richly deserved tribute to the gentleman from Michigan [Mr. JAMES], but I also wish to emphasize the confidence which the members of the Military Affairs Committee have in his thoroughness, his great knowledge of the military service and his judgment of what the requirements of national defense are. I am sure he equally has the confidence of the House and I am sure he has also the confidence of the Army. [Applause.]

I yield to the gentleman from New York [Mr. BOYLAN].

The SPEAKER. The gentleman from New York is recognized.

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, the remarks of my friend from Texas [Mr. BLANTON] remind me of the story told of a man in a small town in Texas who had his feet on the brass rail and who wound up after he was knocked down by saying he had covered too much territory. The gentleman from Texas took the War Department and the Interior Department and the Navy Department to task, and the Committee on the District of Columbia, and I do not know what else.

Now, I had the good fortune to be designated by the chairman of the housing committee, Mr. JAMES, of Michigan, to visit some of the forts around New York, and in doing so I found living conditions that were really disgraceful to our Government, conditions that were almost unbelievable unless actually witnessed. If the gentleman from Texas, whom I respect and admire, was down on his ranch, where he has some good livestock, he would want adequate protection for them against the elements, so why not provide decent livable quarters for our soldiers. At Fort Jay I found, right on the threshold of the richest city in the United States, at the very doorstep of New York City, enlisted men living in quarters that were temporarily erected during the war, made of corrugated iron, where they had two or three of those large coal stoves going, and at the same time had to have four or five blankets wrapped around them at night in order to keep warm. The walls of these quarters were so flimsy that you could push your cane or

your umbrella through them. These quarters, I understand, are typical of other quarters at Army posts throughout the United States.

The gentleman cites the case of an officer's family in Washington having a house with 10 baths. Down at Fort Jay we found instances where there was barely one bath in an officer's quarters. But these splendid gentlewomen, wives of the officers, uttered no complaint. They had the true Army spirit. They tried to make the best of it. But I tell you, gentlemen, it is a disgrace to the United States to have our men, both commissioned and noncommissioned, housed in these miserable hovels. I do not see how you can get a man to join the Army. I do not see how you can get men who are willing to take the course at West Point and then come out and live under the hardships such as these men have to live in. It would be better to abolish the Army, and it would be better to abolish every post in the United States rather than to have these men live in the wretched and miserable quarters they now inhabit.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNELL. They do not know what kind of quarters they are to get until they get out and go into their quarters. That is the trouble.

Mr. BOYLAN. The gentleman from New York is correct. Really, I think enlistments should be suspended as an act of humanity until decent and proper quarters are provided.

While I speak from personal observation, I did not proceed to these forts by a military automobile. I proceeded under my own power, and I found for myself the conditions that actually existed.

Knowing the gentleman from Texas [Mr. BLANTON] as I do, and knowing the wonderful streak of humanity that is in him, I know that if he took the time, if he could spare it, and visited these places, as the members of the Military Affairs Committee have done, that he would not say one word against the expenditure of this money, because these soldiers and these officers are our brethren; they are a part and parcel of the citizenship of this country, just as we are, and irrespective of divisions by States or other geographical distinctions we owe to them the duty of at least providing for them with decency, providing them with quarters that will be at least sufficient to maintain their health and, gentlemen, if we do not give the ordinary creature comforts of life to our soldiers, how can we expect anything of them in the hour of stress or necessity? [Applause.]

Last October, at the request of Mr. William Randolph Hearst, a committee was formed in New York to inspect housing conditions at the various Army posts around New York.

This committee consisted of the gentleman from New York [Mr. BLACK]; Mr. Bonham, president of the New York Board of Trade and Transportation; Mr. William Siegrist; Col. John R. Slattery, Engineer Corps, United States Army, retired; Mr. Sundby-Hansen; and myself.

We made a careful investigation of all the posts, and the following is a summary of the facts found by us:

With a few notable exceptions, many officers and enlisted men are forced to live in flimsy, war-time-constructed fire traps, dangerous to health, demoralizing to discipline, and a constant menace to life. These structures were built in a war-time emergency, hastily constructed with little regard to safety or health. They were built for the "duration of the war," which was calculated to be five years. They are now 10 years old, and in various stages of rapid decay, depending on their location and local weather conditions.

Due to insufficient funds for upkeep, these structures are fast going to ruin. This applies with equal force to buildings of a more permanent character. There are leaky roofs, drafty windows, broken doors and stairways, worn-out floors, sagging porches, and sinking foundations that cause great cracks in walls and ceilings, and an utter lack of proper painting.

With adequate funds for repairs and continuous upkeep the more permanent buildings can be saved if promptly attended to. Otherwise they might as well be torn down, because ultimately the repairs, if deterioration is permitted to continue at the present rate, will cost more than the buildings are worth.

The committee regards the war-time barracks buildings as disgraceful to the Army and the Nation. They are unfit for human habitation and should be promptly removed. Their plumbing, sanitary, and heating equipment is broken, rusty, and a menace to health and life. The heating by antiquated sheet-iron stoves is inadequate and wasteful. In these gloomy, outworn, unsightly hovels the men are unable to keep dry in rainy weather or warm during the cold of winter.

Owing to the flimsy construction of the war-time shacks, built of light-weight pine lumber, lined with beaver board or burlap, many not even that, and heated with sheet-iron stoves that are often broken and for that reason alone dangerous,

there is constant fire menace at most of these Army posts. Millions of dollars worth of Government property, expensive military supplies of every description, is stored in tumble-down shacks and fire traps of this character.

In this connection we desire to draw attention to the speech made last summer by Maj. Gen. Charles P. Summerall, Chief of Staff, in which he deplored the present housing conditions in the Army and urged that some prompt remedial action be taken. He was promptly recalled to Washington for an interview with the President.

This committee respectfully calls attention to the fact that the United States Army is the army of the people of this country. If we are to have an Army its officers and men should be cared for properly in the matter of housing and reasonably comfortable living conditions.

Housing shortage was found to be acute at virtually all the posts. War-time constructed shacks, warehouses, and other buildings, which originally were never intended for human occupancy, were found converted into living quarters for officers, noncommissioned officers entitled to separate quarters, and enlisted men.

The serious shortage of proper living quarters we found to be due to the steady concentration since the war of large numbers of soldiers at fewer Army posts. This intolerable condition should be remedied at once by the construction of modern, permanent buildings at all posts where a permanent concentration of troops is taking place.

The richest Nation in the world, in honor to itself and in duty to its military defenders, should not, can not permit the present disgraceful housing conditions in the Army longer to continue. They are demoralizing to discipline, weakening to morals, both among officers and enlisted men, they impair enlistments and virtually terminate reenlistments, and are discreditable to the United States.

We were amazed at the fine spirit shown by officers and their wives and enlisted men living under the most adverse conditions. These conditions were appreciated by all, but in every case their attitude was to make the best of the situation. This is the true Army spirit.

In conclusion, I ask the Members of the House to stand behind the Military Affairs Committee in their effort to provide decent and livable quarters for the splendid officers and men who labor so hard to maintain the high standard of our Military Establishment. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JAMES. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, I do not think there is any man in the House who is a greater friend of the underprivileged than the gentleman from Texas. I am sure that if he had seen the conditions around the Army posts in New York, as the previous speaker [Mr. BOYLAN] and myself have, that he would be heart and soul for this proposition.

Mr. William Randolph Hearst, through one of his editors, asked me a short time ago to form a committee to visit the Army posts for the purpose of inspecting Army housing conditions. On that committee was the gentleman from New York [Mr. BOYLAN], Mr. Bonham, president of the New York Board of Trade and Transportation; Mr. William Siegrist, a social welfare worker in New York; Colonel Slattery; Mr. Sundby-Hansen; and myself. My son also accompanied us. We visited all the posts around New York. We found that the men had been sadly neglected.

The Military Affairs Committee, through Congress, has taken care of the ratings of the men in a very fine way, and this bill completes their work in the case of honesty on the part of the Government and humanity.

A man goes into the Army from civil life from a decent job at high wages and decent hours. When he gets into the Army he receives the Army pay and under bad hours he does just the same things he did in civil life. That is because the posts have not been kept up. Men have been compelled to do carpenter work and plumbing work. The men have had so much work to do that the Army is not able to give them proper military training, because so much time had to be taken from drills. At one of the Army posts they had very few formations in the course of the year. They could not get an outfit that could take a machine gun apart. They could take care of the buildings, do the carpentering work, and the plumbing work, but they could not do the military work. That was due to the fact that these things had been neglected by the Government.

This Congress can do no better service to the country than to pass this bill. [Applause.]

Mr. JAMES. Mr. Speaker, I yield myself two minutes and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JAMES. Mr. Speaker and gentlemen, it is true that we are spending \$900,000 in this bill for Fort Sam Houston. The reason for that is because conditions were so deplorable at Fort Sam Houston that General Summerall had to issue orders to move 2,693 enlisted men to other places where the housing conditions were better.

There is not any politics in this bill or any pork in this bill. The first \$3,000,000 in the bill—as a matter of fact, over \$3,000,000—will go to places where they have no vote. About \$6,000,000 in this bill is to carry out the five-year aircraft Army program, for which we all voted.

The War Department had nothing at all to do with the drafting of this bill. I spent about three months visiting Army posts. When I was in the Army I never rose above a "private in the rear rank," and my sympathies have always been for the private soldier. At every place we visited I paid particular attention to how he lived, how he was housed, and how he was fed.

At Governors Island it will cost about \$2,000,000 to house every enlisted man. There is \$1,686,000 authorized, including the \$300,000 in this bill; \$314,000 will complete the housing of the privates. Not a cent for officers' quarters has been authorized up there. In this bill there is also \$350,000 which will house every enlisted man at Camp Lewis not already provided for.

Mr. BLANTON. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. BLANTON. The gentleman knows I am one of those who appreciate the splendid, unselfish, and sacrificial work he has done. He knows that because I have talked with him. Now, I want to ask him this: If there should be a consolidation of our War Department and Navy Department into one department of national defense, with an Army Corps, a Naval Corps, an Air Corps, and a Marine Corps, as is contemplated by some of the best thought in this Nation, are we not spending too much on a separate Army Air Corps in this country?

Mr. JAMES. No. We must use every cent provided in this bill if we are to have an Army Air Corps. We can save on future appropriations, but not in this bill.

Mr. BLANTON. But there are duplications.

Mr. JAMES. I agree with the gentleman from Texas on that. With a consolidated national defense we can save millions of dollars, but there is not a single cent in this bill that you can strike out without hurting officers and enlisted men.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. JAMES. Mr. Speaker, I yield myself two additional minutes. The gentleman has called attention to the fact that at this new primary flying field we are spending a good deal of money for housing and officers' quarters. That is true, because when you come to the five-year program most of the money is for flyers, commissioned officers; but at every other place—

Mr. BLACK of Texas. Will the gentleman yield for an observation?

Mr. JAMES. Yes.

Mr. BLACK of Texas. I notice in the item we had to-day for Fort Humphreys, Va., Congress has authorized \$660,000, and I dare say it contemplated that that should include the plumbing and the pipes necessary.

Mr. JAMES. No, sir.

Mr. BLACK of Texas. I suppose these authorizations include the plumbing, do they not?

Mr. JAMES. That is true, and I would like to tell the gentleman about that.

Mr. BLACK of Texas. In other words, what I want to stress is that the Army ought to stay within the limits of the authorizations and not come here at future times and ask us to give a further extension of the amount authorized.

Mr. JAMES. Up to a year ago, when the language of the bill was changed at the suggestion of the Director of the Budget himself, the question was whether or not when you say barracks it would include water pipes and sewers, except from the building down to the main sewer or main water pipe. Since that time the Comptroller General has made a ruling to the effect that where there is no sewer or no water pipes the language which we now use in the bill, and which was used for the first time a year ago, would include the main sewers or the main water pipes.

Mr. BLACK of Texas. Then we are to understand that these authorizations we are about to make in this bill cover the total

cost of construction and they will not come back here for additional money.

Mr. JAMES. I never expect to see another one come back here except the one we had here to-day from Camp Humphreys.

Mr. McKEOWN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McKEOWN. Does this bill contemplate new barracks in Hawaii at Schofield Barracks?

Mr. JAMES. There is an authorization of \$900,000 to take care of the regiment at Schofield Barracks, which is so badly needed.

Mr. McSWAIN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McSWAIN. Will the gentleman explain to the House that the committee, with greater definiteness and more jealousy than any Member of the House has manifested here, critically examined the Quartermaster General and his aides that the plans of the architects and the construction of the buildings should insure that this money would be wisely spent?

Mr. JAMES. Yes. I wish the gentlemen of the House would read the hearings and see how closely the Quartermaster General was examined.

I know the gentleman from Texas [Mr. BLANTON], as well as being one of the hardest and most conscientious workers in this House, is also a good friend of the enlisted man on the floor. The gentleman always has been, and I want to say to the gentleman that if he has any idea that this was a departmental bill sent up for the House Military Affairs Committee to vote up or down, he is absolutely wrong. I spent three months and about \$1,500 or \$2,000 of my own money going around and seeing the conditions. The War Department was not consulted and had nothing to do with the drafting of the bill. It was done by our committee.

Mr. McMILLAN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McMILLAN. This bill, as I understand, covers only a partial list of the fortifications and posts over the country.

Mr. JAMES. Yes.

Mr. McMILLAN. Is it the attitude of the gentleman and of the committee that next year these other places that are not now provided for will be taken care of?

Mr. JAMES. It is the policy of the President, the policy of the Director of the Budget, and the policy of our committee, as well as of the Congress, that every enlisted man who is now housed in a deplorable way shall be properly housed.

Mr. McMILLAN. I want to say for the gentleman's benefit that there are other posts having just such experiences and needing the same improvements.

Mr. JAMES. The authorizations carried in this bill will provide additional housing for the following:

Officers.....	470
Noncommissioned officers.....	604
Enlisted men.....	5,855
Patients in hospitals.....	138

Since the adjournment of the last Congress I have visited Army posts and stations in Panama, Hawaii, on the Pacific coast, along the Mexican border, and through the Southern and Middle Western States. I have personally inspected the conditions at practically every station for which construction is provided in this bill.

Other members of the Military Affairs Committee have also visited many of the Army posts and stations included in this bill. The bill under consideration was prepared by the committee as a result of the information gathered on these visits of personal inspection and observation.

Construction under the present Army housing program began with the passage of the act of March 12, 1926.

During the last Congress there was authorized for Army housing \$20,297,000. Of this amount, \$13,308,000 has been appropriated, and the remaining \$6,989,000 is carried in the War Department appropriation bill, which is now in conference. This \$20,297,000 will provide housing for the Army, as follows:

Officers.....	251
Noncommissioned officers.....	184
Enlisted men.....	18,021
Patients in hospitals.....	804

For the information of the Members of the House I am going to take up in detail each project included in the bill and show not only the amounts authorized for each station and just what construction these amounts will provide, but I am also going to give a brief account of what has already been done at each of these stations since the inauguration of the present Army housing program.

1. ALBROOK FIELD, PANAMA

The \$791,000 carried in the bill for this flying field will provide quarters for 106 noncommissioned officers and 54 officers.

The last Congress authorized \$1,086,000 for this station, which provides quarters for 650 enlisted men, 21 noncommissioned officers, and 40 officers. This is a new flying field which is being built as a part of the five-year Air Corps program. When all of the construction heretofore and herein authorized has been completed, the housing requirements for officers, warrant officers, noncommissioned officers, and enlisted men will have been completely met.

2. FORT KAMEHAMEHA, HAWAIIAN DEPARTMENT

The \$35,000 carried in the bill for this station will provide quarters for 65 enlisted men. This station now has permanent quarters for the accommodation of 1,061 enlisted men, 29 noncommissioned officers, and 40 officers. The permanent construction for this station will be completed with another authorization of \$196,900 for barracks, 1 set of officers' quarters, and 25 sets of noncommissioned officers' quarters.

3. SAN JUAN, P. R.

The \$150,000 carried in the bill for this station will provide quarters for 135 enlisted men and 16 officers. These amounts will complete the barrack requirements for enlisted men at this station, but there will still be needed more money to provide permanent quarters for all the noncommissioned officers and officers on duty there. The permanent quarters now at this station accommodate 1,006 enlisted men, 4 noncommissioned officers, and 6 officers.

4. SCHOFIELD BARRACKS, HAWAII

The \$830,000 carried in the bill for this station will provide quarters for 1,150 enlisted men. The last Congress authorized \$972,000, which provides quarters for 28 noncommissioned officers and builds a hospital for 400 patients. H. R. 7932, which passed the House a few minutes ago, carried \$65,000 for quarters for nurses. This is the largest station in Hawaii and the permanent construction there prior to the inauguration of the present Army housing program accommodated 7,000 enlisted men, 38 noncommissioned officers and 275 officers.

5. WHEELER FIELD, HAWAII

The \$1,470,000 carried in the bill for this station will provide quarters for 1,000 enlisted men, 96 noncommissioned officers, and 110 officers. This is the first authorization for this flying field under the present Army housing program and it will complete the permanent barracks requirements at this station. This is a new flying field just being developed under the five-year Air Corps program. It was here Maitland and Hegenberger and the Doyle flyers landed after their flights across the Pacific last summer.

6. ALCATRAZ ISLAND, CALIF.

The \$15,000 carried in this bill for this station is to complete the utility building at this post. This station is a branch of the disciplinary barracks and the permanent quarters now there accommodate 350 enlisted men, 11 noncommissioned officers, and 6 officers.

7. FORT BENNING, GA.

The \$500,000 carried in the bill for this station will provide quarters for 22 noncommissioned officers and 30 officers. This is the home of the Infantry School, and has been completely developed as a permanent station since the World War. The last Congress authorized \$1,870,000 for this station, which provides quarters for 2,485 enlisted men and 24 nurses and a hospital for 132 patients. These amounts complete the hospital and nurses' quarters requirements at this station. Prior to the inauguration of the present Army housing program a small amount of permanent construction had been completed at this station, providing quarters for 10 noncommissioned officers, 71 officers, and the first part of the hospital.

8. FORT BLISS, TEX.

The \$150,000 carried in the bill for this station will provide quarters for 25 noncommissioned officers. The last Congress authorized \$300,000 for quarters for 50 noncommissioned officers. There was at Fort Bliss prior to the inauguration of the present Army housing program permanent quarters for 1,132 enlisted men, 8 noncommissioned officers, and 110 officers.

9. FORT BRAGG, N. C.

The \$500,000 carried in the bill for this station will provide quarters for 232 enlisted men, 17 noncommissioned officers, and 17 officers. This is a Field Artillery training center, which has been developed as a permanent station since the World War. Since the inauguration of the present Army housing program \$1,049,000 has been authorized for this station, providing quarters for 1,208 enlisted men, 9 noncommissioned officers, and 6 officers.

10. CHANUTE FIELD, ILLINOIS

The \$220,000 carried in the bill for this station will provide quarters for 187 enlisted men and for 6 officers. This is also

one of the new flying fields and the permanent construction authorized in this bill constitutes the first permanent construction for this station.

11. CAMP DEVENS, MASS.

The \$250,000 carried in the bill for this station will provide quarters for 16 noncommissioned officers and 12 officers. This is also a new station which has been developed since the World War. The last Congress authorized \$1,200,000, which provides quarters for 970 enlisted men and a hospital for 105 patients. The hospital and barrack requirements for this station are now complete. An authorization for \$211,000 will complete the requirements at this station for officers' and noncommissioned officers' quarters.

12. FORT HUMPHREYS, VA.

The \$180,000 carried in the bill for this station will provide quarters for 30 noncommissioned officers. This is the home of the Engineer School. It is a new station and has been developed since the World War. The last Congress authorized \$660,000, which provides quarters for 835 enlisted men. House bill 7944, which passed the House a few minutes ago, authorizes \$80,000 additional for the completion of these barracks. Prior to the inauguration of the present Army housing program no permanent quarters existed at this station. There are, however, semipermanent quarters at this station for 67 officers. An authorization for \$140,000 will complete the hospital requirements for this station.

13. FORT JAY, N. Y.

The \$300,000 carried in the bill for this station will provide quarters for 375 enlisted men. The housing program for barracks for enlisted men at this station contemplates a total of \$2,000,000, of which \$1,386,000 was authorized by the last Congress. The permanent quarters at this station prior to the inauguration of the present Army housing program provided quarters for 355 enlisted men, 55 noncommissioned officers, and 100 officers. This station is on Governors Island and, in addition to the Infantry garrison, includes also the eastern branch of the disciplinary barracks and the headquarters of the Second Corps Area. An authorization for \$175,000 will complete the requirements for officers' quarters for this station.

14. LANGLEY FIELD, VIRGINIA

The \$300,000 carried in the bill for this station will provide quarters for 50 noncommissioned officers. This station is the home of the Air Corps Tactical School. This bill provides the first authorization for this station under the present Army housing program. The permanent quarters now at this station accommodate 132 enlisted men, 5 noncommissioned officers, and 87 officers. An authorization for \$150,000 will complete the hospital requirements at this station.

15. LETTERMAN GENERAL HOSPITAL

The \$120,000 carried in the bill for this station will provide quarters for 18 nurses and a hospital ward for 24 patients. This is the first authorization for this station under the present Army housing program. The permanent quarters now at this station accommodate 6 noncommissioned officers, 9 officers, and 750 patients.

16. FORT LEWIS, WASH.

The \$500,000 carried in the bill for this station will provide quarters for 437 enlisted men, 11 noncommissioned officers, 4 officers, and 9 nurses. This is also a new station which has been developed since the World War. The last Congress authorized \$1,752,000 for this station, providing quarters for 1,646 enlisted men, 5 noncommissioned officers, 6 officers, and a hospital for 87 patients. This bill will complete the barrack requirements for Fort Lewis, and also the hospital and nurses' requirements for this station. No permanent quarters existed at this station prior to the inauguration of the present Army housing program.

17. MARCH FIELD, CALIFORNIA

The \$150,000 carried in the bill for this station will provide quarters for 25 noncommissioned officers. This is also a new flying field which is being developed under the five-year Air Corps program. It is at present the temporary station of one branch of the Primary Flying School. This branch of the Primary Flying School will be transferred to the new field at San Antonio, Tex., when the construction authorized for that field by the act approved February 18, 1928, has been completed. March Field will then become one of the permanent garrisons for a tactical organization of the Air Corps. The last Congress authorized \$1,300,000 for March Field, which provides quarters for 688 enlisted men and 75 officers.

18. CAMP M'CLELLAN, ALA.

The \$225,000 carried in the bill for this station will provide quarters for 18 officers. This is another station which has been developed since the World War and at which there was no

permanent quarters prior to the authorization by the last Congress of \$300,000 for quarters for 349 enlisted men.

This completes the requirements for officers' quarters at this station. An authorization for \$216,000 will complete the requirements for barracks, noncommissioned officers' quarters, and hospital at this station.

19. FORT M'PHERSON, GA.

The \$150,000 carried in the bill for this station will complete the hospital at this station. This is one of the old Army posts, which now includes not only the Infantry garrison but also the headquarters of the Fourth Corps Area. The permanent construction now at this post provides quarters for 714 enlisted men, 8 noncommissioned officers, and 64 officers. An authorization of \$120,000 will complete the requirements for noncommissioned officers' quarters at this station.

20. CAMP MEADE, MD.

The name of this station has recently been changed to Fort Leonard Wood in honor of that distinguished officer. The \$550,000 carried in the bill will provide quarters for 25 noncommissioned officers, 20 officers, and a hospital ward for 38 patients. The last Congress authorized \$1,160,000, which provides quarters for 1,242 enlisted men and started the construction of the hospital.

21. MITCHEL FIELD, NEW YORK

The \$400,000 carried in the bill for this station will provide quarters for 350 enlisted men and 20 noncommissioned officers. Since the inauguration of the present Army housing program there has been authorized \$287,000, which provides quarters for 355 enlisted men. This amount will complete the barracks requirements for this station. This is also a new flying field and no permanent construction existed there prior to the inauguration of the present Army housing program.

22. FORT MONMOUTH, N. J.

The \$350,000 carried in the bill for this station will provide quarters for 28 officers. This station is the home of the Signal School. Since the inauguration of the present Army housing program \$742,000 has been authorized for this station, providing quarters for 860 enlisted men, 3 noncommissioned officers, 6 officers, and a hospital for 27 patients. These amounts will complete the barrack and hospital requirements at this station. This is a new station and no permanent construction existed there prior to the inauguration of the present Army housing program.

23. FORT MONROE, VA.

The \$268,000 carried in the bill for this station provides for 21 officers' quarters. This station is the home of the Coast Artillery School. The officers' quarters requirements at this station will be completed with an additional authorization of \$292,000. This is the first construction authorized for this station under the present Army housing program. Permanent quarters existed at this station prior to the inauguration of the present Army housing program to accommodate 1,234 enlisted men, 81 noncommissioned officers, and 119 officers.

24. FORT RILEY, KANS.

The \$250,000 carried in the bill for this station will provide quarters for 21 noncommissioned officers and 10 officers. This station is the home of the Cavalry School. This will complete the noncommissioned officers' quarters requirements at this station. The last Congress authorized \$198,000 for quarters to accommodate 16 officers. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 2,319 enlisted men, 54 noncommissioned officers, and 132 officers.

25. FORT SAM HOUSTON, TEX.

The \$900,000 carried in the bill for this station will provide quarters for 1,087 enlisted men and for a post signal communications center building. The last Congress authorized \$1,300,000 for this station, providing quarters for 1,591 enlisted men. Permanent quarters, which existed at this station prior to the inauguration of the present Army housing program, accommodate 2,732 enlisted men, 22 noncommissioned officers, and 94 officers. The amendment authorizing the construction of the post signal communications center building has been adopted for the purpose of permitting the telephone, telegraph, and radio service at this large post to keep abreast of the building program which is going on there.

26. NEW PRIMARY FLYING SCHOOL AT SAN ANTONIO, TEX.

The \$1,970,950 carried in the bill for this station provides quarters for 225 enlisted men, 90 noncommissioned officers, and 100 officers. The act approved February 18, 1928, by transfer of funds authorized for construction at Brooks and Kelly Fields by the last Congress, and by further authorizations contained in the act of February 18 carries a total authorization for this new primary flying school of \$4,849,075, which will provide

quarters for 2,738 enlisted men, 90 noncommissioned officers, 106 officers, a hospital for 76 patients, a magazine—explosive—quartermaster warehouse, garage for Government transportation, quartermaster maintenance building, a fire house, a guard-house, a post exchange, a theater and gymnasium, an incinerator, railroad spur and tracks, telegraph and telephone lines in conduit, a bakery, a chapel and school, an enlisted men's club, and an officers' mess. This is a new flying field and no permanent or temporary construction existed at this station prior to the inauguration of the present Army housing program.

27. PRESIDIO OF SAN FRANCISCO, CALIF.

The \$40,000 carried in the bill for this station provides for the building of a chapel. This is the first authorization for this station under the present Army housing program. The permanent quarters at this station prior to the inauguration of the present Army housing program accommodated 3,030 enlisted men, 137 noncommissioned officers, and 120 officers. Besides the troops garrisoned at the Presidio, the headquarters of the Ninth Corps Area is located there.

28. SCOTT FIELD, ILLINOIS

The \$150,000 carried in the bill for this station provides for quarters for 25 officers. The last Congress authorized \$100,000 for this station, which provides quarters for 125 enlisted men. H. R. 10146, which passed the House February 20, carries \$32,000 additional and completes the barrack requirements at this station. This is a new flying field, and no permanent construction existed there prior to the inauguration of the present Army housing program.

29. SELFRIDGE FIELD, MICHIGAN

The \$400,000 carried in the bill for this station provides quarters for 16 noncommissioned officers and 24 officers. The last Congress authorized \$872,000 to provide quarters for 725 enlisted men, 30 noncommissioned officers, 6 officers, and a hospital for 15 patients. These amounts will complete the barracks and hospital requirements at this station. This is a new flying field and no permanent construction existed there prior to the inauguration of the present Army housing program.

30. FORT SLOCUM, N. Y.

The \$300,000 carried in the bill for this station provides quarters for 9 noncommissioned officers and 300 enlisted men. This is the first authorization for this station under the present Army housing program. The permanent quarters at this station prior to the inauguration of the present Army housing program accommodated 1,389 enlisted men, 9 noncommissioned officers, and 31 officers.

31. FORT WADSWORTH, N. Y.

The \$250,000 in the bill for this station provides quarters for 312 enlisted men. The last Congress authorized \$285,000 for this station providing barracks for 349 enlisted men. H. R. 11762 provides an additional \$40,000 to complete these barracks. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 400 enlisted men, 18 noncommissioned officers, and 14 officers. An authorization for \$142,500 will complete the requirements at this station for officers' and noncommissioned officers' quarters.

32. WALTER REED GENERAL HOSPITAL, WASHINGTON, D. C.

The \$300,000 carried in the bill for this station provides quarters for 95 nurses. The act approved February 18, 1928, authorized \$310,000 for this station which provides for continuing the work on the new hospital. The new hospital to which this \$310,000 is to be applied is now being constructed out of a \$2,000,000 authorization made by Congress prior to the inauguration of the present Army housing program. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 225 enlisted men, 2 noncommissioned officers, and 17 officers.

In order to provide better quarters for the officers and noncommissioned officers in the Army troops have been moved temporarily within the last 18 months to stations having permanent barracks and quarters, pending the completion of the War Department housing program, as follows: From Fort Sam Houston, Tex., to Fort D. A. Russell, Wyo., and to Fort Logan, Colo., 112 officers, 94 noncommissioned officers, and 2,693 enlisted men; from Fort Lewis, Wash., to Fort Lawton, Wash., 12 officers, 30 noncommissioned officers, and 373 enlisted men; from Fort Lawton, Wash., to Fort Lincoln, N. Dak., 10 officers, 20 noncommissioned officers, and 300 enlisted men; from Boston, Mass., to Fort Rodman, Mass., 1 officer, 1 noncommissioned officer, and 30 enlisted men; from Boston Harbor to Fort Adams, R. I., 10 officers, 4 noncommissioned officers, and 287 enlisted men; from Fort McPherson, Ga., to Fort Oglethorpe, Ga., 8 officers, 3 noncommissioned officers, and 214 enlisted men; from Fort Douglas, Utah, to Fort Rosecrans, Calif., 5 officers,

1 noncommissioned officer, 34 enlisted men; making a total of 158 officers, 153 noncommissioned officers, and 3,931 enlisted men.

In conclusion, I can assure the Members of the House that in working out the needs of the Army in this vitally important matter of housing there has been and is a very splendid spirit of cooperation on the part of the Bureau of the Budget and of the President.

This program will continue over a period of years. There is much work yet to be done. Many more inspections must be made. The problem is one requiring a continuing study.

The committee propose to stay on the job until it is completed, and I am sure I am only giving voice to the feelings of every member of the committee when I say that the attitude of the House in its action on the housing bills we have already brought before you inspires us with a confidence to carry on this work thoroughly, fully, and completely.

The SPEAKER. The time of the gentleman from Michigan has expired; all time has expired.

The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PAYMENT OF AMOUNTS APPROPRIATED BY LEGISLATURE OF ALASKA FOR ADDITIONAL DUTIES OF TERRITORIAL OFFICERS

Mr. CURRY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill H. R. 8284, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That neither section 1855 of the Revised Statutes (U. S. Code 1645, par. 1457) nor any other act of Congress shall be construed to prevent payments for clerk hire, office rent, and other expenses of executive offices of the Territory of Alaska, including additional compensation, not to exceed \$2,000 per annum, to the secretary of the Territory, under appropriations heretofore or hereafter made by the Legislature of Alaska for said purposes.

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. Mr. Speaker, I demand a second.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CURRY. Mr. Speaker, from the time of the organization of Alaska as a Territory the Legislature of Alaska has passed acts imposing certain duties on the governor and on the secretary that may be in conflict with section 1855 of the Revised Statutes.

Congress did not impose this system on Alaska. The Territory of Alaska itself, as a matter of economy and efficiency in government, in my opinion in the face of adverse law, did enact legislation that placed these duties on these executive officers, and every two years the legislature has appropriated certain moneys to pay for the performance of these duties, and has also appropriated \$2,000 as an addition to the salary of the secretary of the Territory. The Federal Government pays him \$3,600 a year and the Territory of Alaska has added \$2,000, making \$5,600 a year.

In my report to the Congress I have included every item of appropriation for the governor's office and for the treasurer's office by Congress and by the legislature from the first meeting of the legislature in 1913 to date. It must be borne in mind that the legislature at any time it sees fit may stop this cooperation.

For several past legislatures bills have been introduced to create Territorial offices with these duties. They have uniformly been defeated by the legislature as a matter of economy in the conduct of the governmental business of Alaska.

The Territorial legislature will not meet for one year. If this bill is not enacted into law it will probably tie up, to a certain extent, the government of that Territory.

This bill does not fix the law for cooperation, but simply legalizes the acts of the Territory pending a change in the system of government by the legislature. I have every confidence in the Legislature of Alaska.

Of course, it is a large Territory—one-fifth the size of the United States, and at the present time has about twenty to twenty-five thousand inhabitants other than Indians and Eskimos. At the present time about one in five are employed by the Federal Government, the Territorial government, the district government, or municipal government. It is rather expensive to the Federal Government, and the Federal Government

has been willing in the past to cooperate with the Territory in permitting the governor and secretary to perform extra duties at a very minimum cost.

There is some opposition from Alaska, particularly an organization of Indians and half-breeds organized by politicians, and some opposition by job seekers who want places. Nearly every chamber of commerce has approved the bill; the governor has approved of it and asked me to get it passed, if possible. Nearly every city government in Alaska has approved it, and some have opposed it.

Personally I am not interested. It is a matter of efficiency and economy, and a matter of not tying up the government of that Territory until the legislature can meet, and if it so desires to enact other legislation.

Mr. NEWTON. Will the gentleman yield?

Mr. CURRY. I will.

Mr. NEWTON. I received a letter from the attorney general of the Territory some years ago—I do not remember much about the letter, because I just glanced over it and did not know the bill was coming up to-day. The first information was in brief that it would not be wise to pass the measure. I do not recall what the specific objections were but I have sent for the letter.

Mr. CURRY. The attorney general is a fine man. I know him. He is interested with certain politicians in Alaska trying to force Congress and the legislature to enact different legislation than they want. The Territorial treasurer had a temporary injunction by the court issued against him to prevent his paying the money out pending the trial and decision of the court. In my judgment, the court can do nothing but hold that the legislature has exceeded its authority under the Federal statute. We had the same proposition up in Hawaii, but there was no objection on the part of Hawaii, and that has been rectified.

Of course, Hawaii is in a different situation. There are three or four hundred thousand people there. It is one of the wealthiest parts of the United States and pays more income tax than any one of twenty States in the Union. Alaska has been in hard straits recently. Of course, the business of Alaska is mining and fishing and railroading, and in the near future we will have some paper mills up there that may help.

There are only three big mines in Alaska at present paying any dividends. Two of them are dredging mines. Two are owned by British capital. The State of California furnishes more gold than Alaska. Colorado produces more gold than Alaska. The great industry in Alaska is fishing, and yet there is a greater amount of fish taken off the banks of Newfoundland than in Alaska. There is a greater amount of fish taken from Japan than in Alaska, and a greater amount of fish taken around the British Isles and the Mediterranean than in Alaska.

Fur is another industry up there, and not so very much either on account of the legislation. In Louisiana last year there was more value of furs produced than in the Territory of Alaska. We want to develop Alaska if we can. I would like to see certain changes in the law. I would like to see Alaska developed, but I do not want the Government tied up for two years in a matter of local politics by men looking for jobs.

Mr. MORTON D. HULL. I notice on page 2 of the report there is a quotation from an act of Congress authorizing the Legislature of Alaska to pay the expenses involved in necessary additions to duties of officers.

Mr. CURRY. That is the governor—partial duties.

Mr. MORTON D. HULL. All you are adding is the right to pay larger salaries to the secretary of state?

Mr. CURRY. Oh, no; the officers up there have these extra duties to perform. The additional duties placed on the Federal officials relates to banks, issuing of licenses to corporations, vital statistics, fox and reindeer statistics, leasing school lands, and a number of other duties.

Mr. MORTON D. HULL. The act that I called attention to refers to the governor.

Mr. NEWTON. Will the gentleman yield?

Mr. CURRY. I will.

Mr. NEWTON. I have the letter from the attorney general. He seems to be of the opinion that this is setting aside a precedent that has been in effect for many years, not only in Alaska but other Territories, and thinks it very unwise to place Territorial officers under the Federal Government or Federal influence, and that that would be the effect of legislation of this character.

Now, I am expressing the fears and apprehensions as they have been expressed to me.

Mr. CURRY. I agree with the Attorney General within limitations. Alaska is not financially in shape to do what she ought to do, so far as the creation of Territorial officers is

concerned. When the Territory of Alaska shall create these officers—and I think that ought to be done—they will pay them and stop the cooperation between the Federal Government and the Territorial government. But the Territorial legislature has refused to do it. It did so at the last session and the one before it. There will not be another session of the legislature until next year. I hope at that time they will change this system. But in the meantime if the courts should hold that the Territory of Alaska exceeded its authority in enacting these laws, it would tie up the Government of Alaska for two years, and I do not think that is what Congress wants to do. When the time comes I think the change should be made.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit an interruption?

Mr. CURRY. Yes.

Mr. COOPER of Wisconsin. Is there anything to prevent Congress at this session from passing additional compensation to the secretary up there?

Mr. CURRY. Congress can not pass a law imposing Territorial duties. The duties imposed upon these executive officers are Territorial and not Federal. Congress can not rectify that situation.

Mr. COOPER of Wisconsin. As I understand it, the secretary is a Federal officer?

Mr. CURRY. Yes.

Mr. COOPER of Wisconsin. Can not the Congress of the United States fix an adequate salary for an officer?

Mr. CURRY. They can fix the salary, but his extra salary is on account of his extra duties, imposed by the legislature, and Congress can not enact legislation placing these duties on the secretary, in my judgment.

Mr. COOPER of Wisconsin. That does not meet the point raised by the Acting Secretary, Mr. Finney, of the Interior Department. He says the suit was based upon the ground that the Territorial appropriations were void. The court sustained this contention as to certain items, including the one for additional compensation to the secretary of the Territory.

Mr. CURRY. Yes; and the suit was dismissed pendente lite at the request of the one who brought the suit. Another suit has been brought. The court, in my opinion, can not do anything but decide that the legislature has exceeded its authority, and that the money can not be paid and the Federal executive officers perform these Territorial duties unless this bill is passed.

Mr. COOPER of Wisconsin. Does the gentleman think it would be establishing a good precedent for Congress to enact a law which would permit an act that was void in the law when originally done to continue in the future?

Mr. CURRY. It would not continue in the future. It is simply a controversion of section 1855 of the Federal statutes. I do not think that statute should be repealed, but I think this local situation should be met for the next two years.

Mr. CRAMTON. I understand the decision of the court was that the expenditure authorized by the Legislature of Alaska could not be made because it was withheld by a provision of the Federal statute.

Mr. CURRY. Yes; under section 1855 of the Revised Statutes and the organic act.

Mr. CRAMTON. And because that expenditure, controlled by the Legislature of Alaska, is forbidden by Federal statute, this bill proposes to repeal that provision, so far as these particular expenditures go. In other words, the Federal Government would get out of the way of the Legislature of Alaska in doing what they want to do.

Mr. CURRY. I think that is wrong.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. HOCH. If the effect of it is to repeal this Federal statute, why not repeal it directly instead of saying it shall not be construed so-and-so?

Mr. CURRY. That is not the effect of it.

Mr. HOCH. What will be the effect?

Mr. CURRY. The effect of it will only be until the legislature changes its law.

Mr. HOCH. Instead of repealing the statute you provide that a court shall not construe what the law says.

Mr. CURRY. I do not think the legislature of an organized Territory should assume any more legislative authority than is warranted by the organic act. To repeal that statute would permit the Federal Government to go in there just as if it was not an organized Territory.

Mr. HOCH. If this repeals it to that extent, then that is what it would be doing.

Mr. CURRY. No. It is only to meet this situation.

Mr. HOCH. We should change the language and provide the exception in the law, instead of simply saying that the statute

shall not be construed so-and-so. We should provide that the statute should read so-and-so.

Mr. NEWTON. I understand that section 1855 applies to all Territories. The exception is the Territory of Alaska.

Mr. LA GUARDIA. I want to call the attention of the House to this bill, and just ask your attention long enough to listen to the one man who knows the conditions, and that is the Delegate from Alaska. I think you will give him an attentive hearing. He knows what he is talking about. Just imagine a bill introduced into Congress by some one outside of your State to require your State to pay additional salary to a collector of customs or a postmaster.

Thus far the gentleman from Alaska has not had an opportunity to fight this measure. Not a single resident of Alaska has appeared before the committee. This is a bureau bill. The gentleman from California has indicated to you that the politicians of Alaska are opposed to this bill. That is not so. Both the Republican and Democratic parties in their platforms have inserted a plank demanding a complete separation of the Territorial government from the Federal Government. The people of Alaska must be protected by this Congress by reason of the fact that the Territory has a Representative in this House who has a voice, but not a vote. It was for that reason, Mr. Speaker, that I demanded a second, and I now yield 15 minutes to the gentleman from Alaska [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Speaker and gentlemen of the House, I had hoped that this bill might have been considered on Calendar Wednesday, on Territories day, when opportunity would have been afforded for amendment. The suspension rule precludes any motion for amendment being offered. Therefore, I must appeal to you to defeat this measure.

In 1913, when the Territory was first organized, they imposed certain duties on the Federal officials and compensated them with certain salaries for performing those duties. They knew it was illegal under the organic act, but they knew that at the next session of the legislature that could be corrected. At the second session the attorney general of the Territory ruled that the payment of salaries of Federal officials from the revenues of the Territory was illegal.

Again in 1917 and again in 1919 they were advised to the same effect. In 1921 the Solicitor for the Department of the Interior gave an opinion to the governor of the Territory that that whole procedure was illegal and they were advised by the governor of the Territory at that time, a Democratic governor just retiring, that that system should cease, that it was impractical and not in harmony with the theory of good government.

The first appropriation for one office in 1913 was \$6,575. It continued increasing until 1927, when the appropriation was \$21,700, with no great corresponding increase in the amount of business transacted by the office. They were simply increasing the amount annually to be paid to clerks and to the secretary of the Territory. Then citizens of Alaska came into court and asked the court to enjoin the Territorial treasurer from the payment of these salaries. The court held that the payment of the salary to the secretary of the Territory was illegal under the organic act and under statutory provisions. The suit was withdrawn without prejudice after the opinion of the judge of the Federal court was rendered, but the Secretary of the Treasury, knowing that it was illegal and construed to be illegal by the court, has withheld that salary and has not paid it, as well as certain other salaries.

This bill could have been amended to pay the salaries. No one in Alaska or anywhere else objects to the payment of this money that has been authorized by the legislature, but they do object to the repeal of portions of our organic act.

The bill provides that section 1855 shall not apply, which is a virtual repeal. I am not going to attempt to argue these technical terms, but it is considered by lawyers in Alaska as a repeal of our organic act. The portion that it repeals is section 1855 of the Revised Statutes, which reads:

No law of any Territorial legislature shall be made or enforced by which the governor or secretary of the Territory, or the members or officers of any Territorial legislature, are paid any compensation other than that provided by the laws of the United States.

That was written into the statutes in 1873 by James A. Garfield, a Member of Congress from Ohio, and it has stood to govern this matter in the Territories ever since that time. But the repeal goes further than that and repeals another act, and the other act is section 11 of the organic act of the Territory, wherein it is provided that:

No person holding a commission or appointment under the United States shall be a member of the legislature, or shall hold any office under the government of said Territory.

That is the section it repeals, section 11 of our organic act, and that section was written into the organic act of the Territory of Wisconsin in 1843. So it has stood for almost a century and, in fact, has been embodied in the constitutions of many of the States of the Union. The latest, and presumably the most approved, constitution to-day is that of the State of New York, and the separation of State and Federal offices and municipal officers is made clear and explicit in the constitution of the State of New York.

The attorney general of the Territory, who has been quoted here, has expressed himself in this matter, and I want you to let me read briefly what he says on the subject:

As early as 1873 Congress, thinking that these unlawful expenditures—

Of which we are speaking now—

might stop if an act was passed which in express and unequivocal terms denounced this perversion, a law was passed which reads as follows:

That is the Garfield Act and that law is still in force.

Is there any doubt as to what this means? Certainly not. Yet our legislature has insisted upon disregarding every provision of it. Why? Simply because so many of them are ready and willing to disregard any law and to throw their honor and self-respect to the winds in order to gain, as they hope, the smiles of the Federal and social set at Juneau.

Even as early as 1843 Congress enacted a statute which reads as follows:

"No legislative assembly of a Territory shall in any instance or under any pretext exceed the amount appropriated by Congress for its annual expenses."

That is in another statute that will be repealed by this act.

The language employed shows that Congress was irritated at the sycophancy of Territorial legislators. And in those older days the Federal officials in the Territories were not nearly as important or as numerous as in Alaska, where about one-third of the population live off the Federal pay roll.

It was out of an abundance of historic experience, guided by common sense, that Congress wrote into the organic act of Alaska what is known as section 11.

Which I have quoted to you.

These provisions should be enforced not only in letter but in spirit. The purposes of section 11 are perfectly plain. The main object was to keep the Federal and Territorial functions separate and apart and to have them discharged by separate and distinct officers. The last clause provides that no one "holding a commission or appointment under the United States shall be a member of the legislature or hold any office under the government of said Territory." This is neither more nor less than an order upon the Territory to organize its own government and provide its own officers to execute its laws, and it is a denunciation of the present system of bestowing Territorial functions upon the Federal officials.

Now, gentlemen of the House, in closing I want to say that this organic act is our constitution in Alaska. It bears the same relation to the Territorial Legislature of Alaska that the Constitution of the United States bears to Congress, and an even better analogy is that of the State constitutions, which are held to be stable instruments. They are not to be amended or changed or altered at the whim or caprice of any individual or any minority organizations, for this request comes from very inconsequential bureaucrats in Alaska and from no other source. Both parties in the coming campaign have declared in unmistakable terms against this practice in violation of our organic act. So I am appealing to you to recognize our constitution as being just as sacred as the constitution of any of your States and to refuse this repeal. To repeal this provision is simply the entering wedge on the part of bureaucracy in Alaska, where to-day it virtually dominates the Territory—this is an entering wedge to the destruction of local self-government and the establishment of a superbureaucracy in that Territory. [Applause.]

Mr. NEWTON. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. NEWTON. I want to inquire as to the gentleman's idea of what would be the effect upon the Territory if the legislature did not act for two years.

Mr. SUTHERLAND. But the legislature meets in a year. Nobody is suffering for this money.

Mr. NEWTON. I understood the gentleman from California to say two years.

Mr. SUTHERLAND. No; the legislature will be in session a year from to-day. There is nobody suffering for this money. It will be paid in good time.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. ENGLEBRIGHT. Why has not the Legislature of Alaska taken this matter under consideration before?

Mr. SUTHERLAND. It has taken it under consideration; but the gentleman from California explained that they took no action, and it was for the reason that the bureau there wanted to hold and administer the Territorial government.

Mr. ENGLEBRIGHT. Does the gentleman mean to infer that the Federal Government is reflecting itself into the Legislature of Alaska?

Mr. SUTHERLAND. The Federal Government, through its bureaus, is administering the Territorial affairs of Alaska to-day.

Mr. ENGLEBRIGHT. Through the legislature?

Mr. SUTHERLAND. The legislature has given consent.

Mr. ENGLEBRIGHT. Then does the gentleman infer that he can not depend upon his legislature in Alaska?

Mr. SUTHERLAND. I think we can depend on them to alter it now, because the issue has become so strong that they are going to change it.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. SUTHERLAND. Yes.

Mr. COOPER of Wisconsin. Does the gentleman think that a bill of this importance should be brought up in this way on unanimous-consent day, when the offering of amendments is prevented?

Mr. SUTHERLAND. I knew nothing about this suspension until we were almost up to the bill under unanimous consent and then a Member informed me the bill was under consideration by suspension of the rules. I wanted this bill to come up on the Committee on the Territories day when I would have an opportunity to amend it, and I can offer an amendment that will pay this money authorized by the legislature and still not repeal our organic law. That is all I am asking for.

Mr. CURRY. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. CURRY. I will answer the gentleman from Wisconsin. The Committee on the Territories will not be called during this session of Congress. The Committee on the Territories was not called during the last Congress, during either one of its sessions. It is impossible to have this bill come up on the call of committees because the committee will not be reached. That is the only reason I put it on the Consent Calendar and is the only reason I asked for a suspension of the rules. It is the only way to meet this situation. The fiscal year in Alaska starts on the 1st of April, and if this bill is not enacted by the 1st of April it will tie up the government, and the gentleman from Alaska knows it.

Mr. SUTHERLAND. I simply want to say in closing—

Mr. SINNOTT. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. SINNOTT. I want to know whether the gentleman objects to the appropriations heretofore made that this bill will approve or ratify.

Mr. SUTHERLAND. Oh, no. There is no objection to the appropriations at all. The whole objection is to the system they are setting up.

Mr. LAGUARDIA. But the gentleman is opposed to that in principle?

Mr. SUTHERLAND. Yes; in principle, but I do not want to deprive those men of the money that has been authorized, and Congress could authorize that without this repeal of the organic act.

Mr. CURRY. Will the gentleman yield?

Mr. SUTHERLAND. I yield; yes.

Mr. CURRY. The gentleman knows that the suit in Alaska was to prevent the Treasury from paying this money.

Mr. SUTHERLAND. Yes.

Mr. CURRY. How does the gentleman square his two statements?

Mr. SUTHERLAND. You can authorize the payment of the money without repealing the act. You can write a simple bill to authorize the payment of the money, but there is no occasion for repealing acts that have stood for almost a century.

Mr. JOHNSON of Washington. If it is wrong from a local self-government standpoint to do that, why should we authorize it?

Mr. SUTHERLAND. That is true; and that is the position that the gentleman from New York [Mr. LAGUARDIA] has taken; but I realize my position here. I have to compromise when I ought not to compromise. I have to make compromises when a voting Member here does not have to make a compromise, and I have to beg the chairmen of committees, such as the chairman of the Committee on the Territories, for some little favor, and

so I am not in a position to ask for what I think ought to be put in.

Mr. CURRY. The gentleman knows that so far as the Committee on the Territories is concerned he has never had to do that in his life. That is an absolute untruth.

Mr. SUTHERLAND. Mr. Speaker, I will not reply to that. I will just let it stand. The House may judge.

Mr. STEVENSON. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. STEVENSON. As I understand the gentleman, he is perfectly willing to pay these officers for the services rendered although the service has been rendered in violation of the organic act.

Mr. SUTHERLAND. Yes; in violation of the law.

Mr. STEVENSON. But he does not want to make it possible for that system to continue.

Mr. SUTHERLAND. And this bill authorizes a continuation of it.

Mr. STEVENSON. When the legislature meets, however, it will have to separate this business. If it goes ahead and authorizes it again, we will be in the same fix. The gentleman's proposition is to take this business away from the Federal officers and create proper officers to conduct it.

Mr. SUTHERLAND. Yes; as Congress intended they should.

Mr. LAGUARDIA. Mr. Speaker, I will take no further time, because I do not want to disturb the splendid argument made by the Delegate from Alaska. I do ask the Members to stand back of him and give him the protection he has begged for. [Applause.] I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. CURRY] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. CURRY) there were—ayes 12, noes 130.

So the motion to suspend the rules and pass the bill was rejected.

AIR MAIL

Mr. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926, with amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 8337, as amended, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the air mail act of February 2, 1925 (U. S. Code, title 39, sec. 463), as amended by the act of June 3, 1926, is hereby amended to read as follows:

"Sec. 3. That the rates of postage on air mail shall not be less than 5 cents for each ounce or fraction thereof."

Sec. 2. That after section 5 of said act (U. S. Code, title 39, sec. 465) a new section shall be added as follows:

"Sec. 6. That the Postmaster General may by negotiation with an air-mail contractor who has satisfactorily operated under the authority of this act for a period of two years or more, arrange, with the consent of the surety for the contractor and the continuation of the obligation of the surety during the existence or life of the certificate provided for hereinafter, for the surrender of the contract and the substitution therefor of an air-mail-route certificate, which shall be issued by the Postmaster General in the name of such air-mail contractor, and which shall provide that the holder shall have the right of carriage of air mail over the route set out in the certificate so long as he complies with such rules, regulations, and orders as shall from time to time be issued by the Postmaster General for meeting the needs of the Postal Service and adjusting air-mail operation to the advances in the art of flying: *Provided*, That such certificate shall be for a period not exceeding 10 years from the beginning of carrying mail under the contract. Said certificate may be canceled at any time for willful neglect on the part of the holder to carry out such rules, regulations, or orders; notice of such intended cancellation to be given in writing by the Postmaster general and 60 days provided to the holder in which to answer such written notice of the Postmaster General. The rate of compensation to the holder of such an air-mail-route certificate shall be determined by periodical negotiation between the certificate holder and the Postmaster General, but shall never exceed the rate of compensation provided for in the original contract of the air-mail-route certificate holder."

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FEDERAL RADIO COMMISSION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

Resolution 132

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2317, continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDMENT TO THE CONSTITUTION

Mr. SNELL. Mr. Speaker, I present another report from the Committee on Rules.

The Clerk read as follows:

Resolution 133

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 47, proposing certain amendments to the Constitution. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the five-minute rule. For the purpose of amendment the House committee substitute shall be considered as an original bill. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I desire to make a short statement in regard to this last resolution just presented. The Senate passed Senate Joint Resolution 47, providing for an amendment to the Constitution. It came over here, and our Committee on Election of President and Vice President struck out all after the enacting clause and inserted a committee amendment and reported it to the House. Later our Committee on Election of President and Vice President reported a House concurrent resolution which embodied the same matter that was in their amendment to the original Senate joint resolution. They asked us for a rule on Concurrent Resolution 18. That was granted by the Committee on Rules. Later on, after investigation, we found that all constitutional amendments were passed by means of a House or Senate joint resolution.

Referring to the Manual, section 223, it provides as follows:

Amendments to the Constitution are proposed in the form of joint resolutions which have their several readings and are enrolled and signed by the presiding officers of the two Houses, but are not presented to the President for his approval.

Also in sections 389 and 390 in regard to concurrent resolutions it specially excepts constitutional amendments and says that they are always passed by House and Senate joint resolutions. That is the reason for presenting the resolution to-day to take up the Senate Joint Resolution 47 instead of House Concurrent Resolution 18. It is expected that this rule just presented will be called up to-morrow immediately after the disposition of matters on the Speaker's table.

Mr. GARRETT of Tennessee. I presume at some time the gentleman will have the other resolution laid on the table?

Mr. SNELL. Yes. I was going to do that to-morrow, but I think it just as well to do it now. I ask unanimous consent that House Concurrent Resolution 112 lie on the table.

The SPEAKER. The gentleman asks unanimous consent that House Concurrent Resolution 112 be laid on the table. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DENISON. Mr. Speaker, we have not concluded the Consent Calendar. I ask unanimous consent that on Wednesday, if the committee that has the call concludes its business early in the day, that the bills on the Consent Calendar may be called.

Mr. SNELL. I think the gentleman's own committee, the Committee on Interstate and Foreign Commerce, has the call.

Mr. DENISON. Yes; but if the committee does not have business enough to take the entire day, I think there will be time to complete the Consent Calendar.

Mr. HASTINGS. Commencing where we left off to-day?

Mr. DENISON. Yes; there are a number of bills that are very important, and we can get them out of the way in that manner.

Mr. GARRETT of Tennessee. Does the gentleman understand that there will be only a limited business on Calendar Wednesday?

Mr. DENISON. Yes.

Mr. SNELL. Will the gentleman put that request off until to-morrow?

Mr. DENISON. Yes; I will if there is objection to it. I will ask the gentleman from Michigan if he thinks the committee will take the entire day?

Mr. MAPES. I understand that the chairman of the committee does not want to start in on business reported to that committee until there are enough bills on the calendar to occupy the two days.

Mr. DYER. I think the request that the gentleman makes ought not to be consented to now on three minutes' notice. Many would not know that the calendar was coming up on Wednesday.

Mr. DENISON. Mr. Speaker, I will withdraw my request.

The SPEAKER. The request of the gentleman from Illinois is withdrawn.

Mr. SCHAFER rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

THE CONTROL OF FLOODS IN THE MISSISSIPPI IN THE ALLUVIAL VALLEY

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of flood control of the Mississippi River.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the question of flood control. Is there objection?

Mr. WHITTINGTON. Mr. Speaker, the Mississippi River from its source at Lake Itasca to its mouth is 2,475 miles long. The distance from the headwaters of the Missouri to the mouth of the Mississippi is estimated at 4,200 miles. The Nile and the Amazon, each with a length of about 4,000 miles, are the only other rivers in the world that approach the Mississippi and the Missouri combined.

The Mississippi is the world's greatest and most useful river. It is navigable from the Twin Cities of St. Paul and Minneapolis, the commercial centers of the great West, to its mouth just below the city of New Orleans, the second largest port in the world. It has a navigable channel of 35 feet from the Gulf of Mexico to Baton Rouge, a distance of about 225 miles, and from Baton Rouge to St. Louis the channel is 9 feet deep. The navigable waterway on the Mississippi River and its tributaries is estimated at 15,000 miles. It discharges three times as much water as the St. Lawrence. Fifty-four of its tributaries are navigable by steamboats, and there are hundreds of its tributaries navigable only by small boats.

It is estimated that if the upper Mississippi, the Missouri, the Ohio, the Arkansas, and the Red Rivers were in flood at the same time they would empty into the lower Mississippi about 3,500,000 cubic feet of water per second. The Yazoo, the White, the St. Francis, and other tributaries would add considerable quantities of water. But there has never been a time when all the principal tributaries of the lower Mississippi attained maximum flood stage at the same time. The Ohio River, with an estimated maximum discharge in 1913 of 1,395,000 cubic feet per second at Cairo, contributes more to the floods of the Mississippi River than any other tributary. The flow in the lower Mississippi in past floods has been estimated at from 1,500,000 to 2,300,000 cubic feet per second. The flood of 1927, the greatest on record, is commonly figured at 2,000,000 cubic feet per second, yet some estimates place it as high as 3,250,000 cubic feet per second.

The Mississippi River and its tributaries drain an area of 1,240,000 square miles, comprising 41 per cent of the United States, exclusive of Alaska, and including all or portions of 31 States of the Union, and about 20,000 square miles of Canada, embracing parts of two Provinces. The total area of the United States is 3,026,000 square miles. The drainage basin of the Mississippi is approximately 1,900 miles long and 1,400 miles wide, extending from western New York to western Montana, and reaching 70 miles into Canada from the northern boundary line of Montana.

The Mississippi is the second largest valley in the world, only the Amazon being greater. It is larger in extent than the whole

of Europe, exclusive of Russia, Norway, and Sweden. In its northern stretches the river is picturesque, and substantial power has been developed. At Commerce, Mo., and between the bluffs near the head of the alluvial valley, suitable dam sites have been located and much power may be developed. The potential power in the Mississippi River from Cairo to the Gulf in flood time is estimated at 60,000,000 horsepower, and it is consumed in eroding banks and in carrying its great volume of water down its course.

THE ALLUVIAL VALLEY

The waters of the principal tributaries of the Mississippi converge at Cairo and from Commerce, Mo., to the Gulf of Mexico the river flows through a flood plain of alluvial deposit, known as the alluvial valley, containing approximately 30,000 square miles. This valley was originally an estuary of the Gulf, which extended to the vicinity of Cape Girardeau, the northern limit of the alluvial valley. It has an average width of 45 miles, varying from 20 miles just north of Natchez to 80 miles at Greenville, Miss. It is 1,070 miles by river from Cairo to the Gulf of Mexico.

The normal rainfall in the entire Mississippi Basin is about 30 inches, and it varies from 20 inches in the Missouri Basin to 48 inches in the central valley, which extends along the Mississippi below the mouth of the Missouri, and is drained by numerous small streams. The rainfall in the Ohio Basin, where the rainfall is greater than on any other tributary, is 44 inches annually.

Because of its latitude, rainfall, and elevation, the Mississippi Valley is unequalled by any other on the globe, and is capable of supporting a dense population.

LEVEES

Without protective works the alluvial valley is subject to annual overflow. Like other alluvial streams, the banks are higher than the adjoining and adjacent land. There is a slope of 7 feet for the first mile from the banks to the interior. In flood time these banks overflow and inundate the valley. Before the general inundation nature provided for assisting the main stream in carrying the waters to the Gulf. At the head of the basin there was an outlet near Cape Girardeau, where the flood waters formerly escaped into the St. Francis Basin. At Cypress Creek, about 25 miles below the mouth of the Arkansas River, the waters escaped through the Boeuf and Tensas Rivers, and found their way to the Gulf through the Atchafalaya, the Atchafalaya being connected with the Mississippi River by Old River, and constituting the third natural outlet on the right bank of the Mississippi River in the alluvial valley.

Protection from floods was necessary in the very earliest settlement of the valley. Levees built entirely of earth constituted the protection. LeBlond de la Tour, a French engineer, laid out the city of New Orleans in 1717 and built the first levee to protect the city from overflow. In 1727, ten years after the levee was begun, 5,400 feet had been completed in front of New Orleans. Originally levees were not the products of organization, but the result of individual efforts. In 1735 the original levee that was to extend 18 miles above and below the city of New Orleans had been extended to 30 miles above the city. Each planter built the levee along his own front, and the levees kept pace with the settlements along the river front.

Levees were first built by individuals, then by communities, subsequently by parishes or counties, and later by districts.

In 1812, when Louisiana was admitted to the Union, the levees extended on both sides of the river some distance below New Orleans and above New Orleans to Baton Rouge, and by 1844 the levees were almost continuous from 20 miles below New Orleans to the mouth of the Arkansas River on the right bank and to Baton Rouge on the left bank, and the Yazoo Basin was protected by levees, beginning about this time and built by 1853. The first general levee board was established in the fifties, following the great floods of 1849 and 1850.

The proceeds of swamp and overflow lands were used in the construction of levees, but there was a lack of uniformity and standardization in construction. The greatest floods ever known in the lower valley occurred in 1858 and 1859. The levees proved inadequate and in many cases were washed away. Then followed the Civil War, and throughout the war levee construction was abandoned. None of the levees was high enough or strong enough to withstand unusual floods. They were built but little above the grade of previous unconfined floods. Even in the Yazoo Basin they were much too low and were deficient in width.

On June 28, 1879, the Mississippi River Commission was organized and since 1882 there have been completed on the Mississippi River 1,881 miles of levee line, in addition to numerous levee systems on its tributaries. The levees along the

Mississippi River have an average height of 18 feet. They extend from Cape Girardeau to the Gulf. There are also levees between Cape Girardeau and Rock Island. On the left bank, in Tennessee, Kentucky, and in Mississippi south of Vicksburg there are practically no levees.

The flood-control works on the lower Mississippi consisted of a levee system partially protected by bank revetment at the time of the 1927 flood. The levee system was still incomplete, but was being standardized to conform to the grade and section of 1914, which was based upon the 1912 flood confined, the greatest flood up to that time. But the flood of 1927 surpassed all other floods. The levee line between Memphis and Vicksburg in front of the Yazoo Basin was up to the 1914 grade and section almost all along the entire front. The 1914 provisional grade is 55.8 at Greenville and 60.5 at Arkansas City. It is estimated by both the Mississippi River Commission and the Chief of Engineers of the United States Army that if the 1927 flood had been confined by levees the gauge reading at Greenville would have been 62.8 and at Arkansas City 69.

It is also estimated that to confine by levees a probable maximum flood of 2,250,000 cubic second-feet at Cairo, 2,850,000 cubic second-feet at Arkansas City, and 2,650,000 cubic second-feet at Old River, with a freeboard of 5 feet instead of a freeboard of 3 feet, as provided by the 1914 grade and section, would require a levee grade line on the main river of 79.5 at Arkansas City, and 72.8 at Greenville. The new levee grade at Helena would be 71, against an existing grade of 58.5, and at Sunflower Landing would be 72.6 instead of an existing 56. In other words, to confine the maximum probable flood by levees would require an increased levee height of 6.9 feet at Memphis, 10.1 at Moon Landing, 10.5 feet at Helena, 16.6 feet at Sunflower Landing, 16.5 feet at the mouth of the White River, 19 feet at Arkansas City, 17 feet at Greenville, 15.4 feet at Lake Providence, and 14 feet at Vicksburg.

The construction of levees has resulted in the raising of water levels in the river. The river gauge at Vicksburg in 1927 was 10 feet higher than it was in 1882. Yet in 1882 the entire Yazoo Basin, as well as practically the entire alluvial valley, was inundated. Building the levees confines the water and thus raises the water plane. There is no disagreement, however, among engineers that the bed of the river has not been raised. On the contrary, levee construction has resulted in a scouring of the river bed, and measurements over a period of 50 years show a lowering rather than a raising of the river bed itself.

Moreover, the construction of levees has resulted in higher water in backwater areas along the mouths of the tributaries, including the Yazoo River. It is safe to assume that levees higher than at present will further enlarge these backwater areas.

Prior to the flood of 1927 the plan was to control floods by levees. It is now apparent that levees must be supplemented. It would be unsafe and impracticable to build them high enough to confine the greatest probable floods. Natural outlets should never have been closed. The processes of nature must be followed. Spillways to supplement the levees must be constructed. Natural outlets must be reopened. The blunder of closing Cypress Creek must be remedied. Levees must be supplemented by diversions.

YAZOO BASIN

In 1858 the levees in the Yazoo Basin were, on the average, about 4 feet high, having been mainly constructed since 1853. In 1882 the levees averaged about 8 feet in height, and they contained about 31,500 cubic yards to the mile. In 1927 the levees were 22 feet high, where they had been brought to standard grade and section, and they contained about 421,000 cubic yards. Wheelbarrows were used in the construction of the earlier levees, to be in turn superseded by drag scrapers, wheel scrapers, dump wagons, and now by drag-line and cableway machines.

The growth of levees in the Yazoo Basin is typical of the growth in the valley. The people of Holland had kept out the sea by dikes, and so the people of the valley determined to keep out the river floods by levees. At first the riparian owners built the levees. It was soon evident that the interior owner should contribute. Then followed legislation.

Washington County, Miss., was created January 29, 1827, and prior to 1836 embraced the present counties of De Soto, Tunica, Bolivar, Humphreys, Sharkey, Sunflower, Coahoma, and Issaquena. The Legislature of Mississippi on March 2, 1833, passed legislation for the construction of dikes or levees along the Washington County front, which embraced the entire Yazoo Basin. De Soto, Tunica, Coahoma, and Bolivar Counties were organized on February 9, 1836, and with their organization the provisions of the levee protection of 1833 were made applicable

to the new counties. Levee construction continued with varying success until December 2, 1858, when the legislature passed an act creating the General Board of Levee Commissioners, composed of the counties of Issaquena, Washington, Bolivar, Sunflower, Coahoma, Tunica, and the Delta portions of the counties of De Soto, Panola, Tallahatchie, and Yazoo. The board functioned but a short time and the destructive floods and the Civil War put an end to the work of the levee board.

During the Civil War what is known as the Yazoo Pass Levee, in the upper Yazoo Basin, was destroyed by the Federal forces in an effort to reach Vicksburg from the rear. In 1858 the levee which closed the Yazoo Pass was an enormous embankment across an old lake. It was 1,152 feet long and 28 feet high, with a base 300 feet in width. The great Hushpuckena Levee was destroyed by floods about the same time.

In 1871 levee district No. 1 was formed in the territory including Coahoma and other adjoining counties, but it proved a failure. In the meantime, in 1867, the old general levee board of 1858 was revived for the purpose of liquidating the indebtedness incurred by the board of 1858. Much land was forfeited for taxes but the indebtedness was finally paid.

The levee district organized in 1871 proved a failure, and more than a million and a half acres were sold for taxes. Nevertheless, after the creation of the Mississippi River Commission, the Yazoo Mississippi Levee Board was organized on February 28, 1884, and it has functioned since that time. This Yazoo Mississippi Levee Board is composed of the counties of Tunica, Coahoma, Quitman, Sunflower, Leflore, and parts of Humphreys, Yazoo, Holmes, and De Soto Counties. The Mississippi levee district, composed of the counties of Bolivar, Washington, Issaquena, Sharkey, and a part of Humphreys County, was organized in 1865 and has functioned since that year.

Mississippi adopted a new constitution in 1890 and the essential provisions of the laws incorporating these two levee boards were made a part of the constitution. The far-sighted members of the constitutional convention realized, however, that as the country developed and the population increased the problem would outgrow the levee districts and the State and would become national, for under section 232 of the Mississippi constitution the commissioners of the levee districts were given power to cede all their rights of way and levees to the management and control of the Government of the United States.

These two districts are known as the upper and lower levee districts. The upper district has a levee line of 98.5 miles, and, on account of caving banks, has lost more than 55 miles of levee. The Government has made no contribution for levees in this district for 23 years, and the district itself, in an effort to protect its own levees, has contributed \$2,835,000 for revetment. It is the only district along the river that has contributed to the cost of revetment, which is recognized to be in aid of navigation. The Federal Government has always constructed revetment as a part of the improvement of the Mississippi River for navigation. The levee line is complete in this district.

The upper, or Yazoo, district contains 2,555,386 acres, with 1,186,451 acres in cultivation. It had an assessed valuation of real and personal property in 1927 of \$109,870,960, with outstanding bonds for levee construction aggregating \$4,444,000. There are real-estate mortgages outstanding in the district of \$60,000,000. The district has spent for levees since 1882 up to December 31, 1926, \$20,428,390.86.

The Mississippi levee district contains 1,614,066 acres, with 701,346 acres in cultivation. The assessed valuation of real and personal property is \$62,937,309. The outstanding levee bonds are \$3,025,000. It is estimated that there are mortgages on real estate in this district aggregating \$36,011,142.73. The district has spent since 1882 on levees up to December 31, 1926, \$21,422,607.25. It has a levee line of 188.1 miles, and because of caving banks 212 miles of levees have gone into the river. Twelve and three-tenths miles of levee remain to be built on the main river in this district.

Under the laws of Mississippi real and personal property is assessed at its actual value. The lands, including the personal property located thereon in the Yazoo Basin, are assessed at an average of \$40 an acre for cleared and uncleared land.

There are no natural outlets from the Mississippi River on the front of the Yazoo Basin. The river banks are the highest part of the land. The drainage is to the interior. The fall is about 7 feet in the first mile from the river banks. Humphreys and Abbott in their report of August 5, 1861, called attention to a ridge of the Yazoo Basin that extended from Honey Island to Delta on the Mississippi River, separating the Yazoo and Tallahatchie Rivers from the Sunflower River and forming a strip from 2 to 6 miles in width. This is the highest land in the Delta, and it is thought to be a prolongation of Crowley's Ridge, in Arkansas, which terminates at Helena. The entire basin, however, is subject to overflow, and the southern por-

tion of this ridge was overflowed in 1927. The Yazoo, a tributary of the Mississippi, drains the eastern portion of the Yazoo Basin, and is overflowed by the hill waters of Tennessee and Mississippi almost annually. No tributary suffers more from floods, and at the same time it pays taxes for protection by levees on the Mississippi River. Its backwater area is 1,200 square miles, or 768,000 acres, of which 192,960 acres are cleared and 575,040 acres are swamp and timber. The area is the same size as the backwater area of the Arkansas and White Rivers. The Government has only contributed thus far to levee construction on the south side of the Arkansas, but to no other part of the Arkansas or the White or the Yazoo Rivers.

SWAMP AND OVERFLOW LAND ACTS

It has been asserted that Congress has largely discharged its obligation to the alluvial valley by passing the swamp and overflow land acts approved March 2, 1849, September 28, 1850, and March 12, 1860. It is true that the act of 1849 was passed for the benefit of Louisiana to aid the State in construction of levees and drains; it is also true that the act of 1850 was originally intended to aid the State of Arkansas to construct levees and to drain lands.

However, Members of Congress were vigilant in behalf of their districts and States in those days, as well as now. The swamp and overflow land acts were extended, on September 28, 1850, to all the other States of the Union in which there were swamp and overflow lands. Section 4 of the act of September 28, 1850, reads:

That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which swamp and overflow lands, known as and designated as aforesaid, may be situated.

The States in the alluvial valley were not the only States to which lands were donated by the United States for drainage and levee purposes. Alabama, Iowa, Michigan, Minnesota, California, and other States received large areas of these lands. The lands in Mississippi were of comparatively small value and were not all located in the Yazoo Basin. Much of the land was located in the basins of other streams in Mississippi. A large percentage of the proceeds from the sale of these lands was used in drainage schemes and for the improvement of interior streams. The Legislature of Mississippi passed an act March 16, 1852, appropriating 60,000 acres of land in Tallahatchie, Holmes, Carroll, Sunflower, and Yazoo Counties for the improvement of the Yazoo and Tallahatchie Rivers up to the mouth of the Coldwater River, and the act provided that the land should not be sold for less than 50 cents an acre.

The proceeds were used in building levees prior to the Civil War. These levees were insufficient. The levees were destroyed by floods and the lands were sold for taxes, which the owners were unable to pay because of frequent inundations.

On December 5, 1927, I received the following letter, addressed to me in response to my request for the areas patented to the various States under the above-mentioned swamp and overflow land acts:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 5, 1927.

Hon. W. M. WHITTINGTON,
House of Representatives.

MY DEAR MR. WHITTINGTON: Referring to your request for the areas patented to States under the provisions of the grant of swamp and overflowed lands made by acts of Congress approved March 2, 1849 (9 Stat. 352), September 28, 1850 (Stat. 519), now sections 2479, 2480, and 2481, Revised Statutes, and March 12, 1860 (12 Stat. 3), now section 2490, Revised Statutes, you are informed that, up to and including to-day, these patented areas by States are as follows:

	Acres
Alabama	418, 713. 61
Arkansas	7, 686, 455. 37
California	2, 188, 547. 32
Florida	20, 211, 831. 54
Illinois	1, 457, 559. 20
Indiana	1, 254, 310. 73
Iowa	874, 112. 13
Louisiana	9, 405, 929. 24
Michigan	5, 656, 064. 03
Minnesota	4, 677, 649. 03
Mississippi	3, 288, 418. 50
Missouri	3, 346, 936. 01
Ohio	26, 251. 95
Oregon	264, 212. 66
Wisconsin	3, 251, 830. 52

Inclosed herewith please find a copy of the swamp-land circular, which contains copies of the three acts mentioned (see pp. 4, 5, and 9). A carbon copy of this letter is inclosed herewith.

Very respectfully,

THOS. C. HAVELL,
Assistant Commissioner.

PROTECTION, NOT RECLAMATION

It has been urged that flood-control works, including the construction of levees, would result in reclaiming the lands of the alluvial valley. There are 19,000,000 acres of lands originally subject to overflow in the valley, of which it is estimated that 13,000,000 acres are usable lands. Six million acres are dedicated to swamps and can not be cultivated. It is estimated that 7,000,000 acres are cleared. The remainder is cut-over land and backwater area. Practically all of the land that can be cultivated has been cleared. Higher levees, spillways, and diversions will not result in bringing any more land into cultivation. Before the flood of 1927 the Yazoo Basin was regarded as safe from floods. Flood control is not reclamation. Flood-control work will result in protection, not reclamation. It will restore values that have been lost as a result of inundation. The building of levees will not result in a greater revenue capacity in the lands. In the Yazoo, or upper levee district in Mississippi, there has not been a break in the levee for 30 years. The levees must be built higher and stronger to provide against a maximum flood. Lands will not be worth more, however, merely because levees are built higher.

This is a great agricultural area. It is the staple-cotton area of the United States. No more cotton per acre will be produced as a result of flood-control works.

It has been said that lands in the Yazoo Basin have increased ten times in value since the levees have been constructed. Levee construction really began in 1884. But lands have increased in value ten times over in other parts of the country since that date. They have increased in the city of Washington more than ten times in value. The levees undoubtedly contributed to the increase. They were a factor, but they were not responsible absolutely.

The forests were cleared, houses built, highways constructed, drainage systems installed, railways established, artesian wells were sunk, and malaria was eradicated. In other words, increased values followed the processes of civilization and development. Land values in the valley are affected just as they are in other agricultural regions. Prices, weather, labor, and financial conditions are reflected in land values in this region as elsewhere.

Levees are needed only during periods of floods. They are required only when the floods from other parts of the country are poured into the valley. The Yazoo Basin is from 100 to 200 feet above sea level. The floods destroy land values. Flood-control works protect life and property and thus contribute to the stabilization of the values of lands. Floods destroy not only improvements, but they fill drainage canals, injure highways, and drive people to seek homes and employment elsewhere. The loss of labor is one of the greatest damages inflicted by floods.

Flood control is not synonymous with reclamation. It is the very opposite. The lower valley was among the very earliest settlements in the country. It is said that no lands in the Atchafalaya Basin have been cleared for more than 100 years. The Yazoo Basin has already been reclaimed. With an area of more than 4,000,000 acres and with a levee front of 300 miles, it produces annually long staple cotton valued at \$70,000,000. The Nation is dependent upon the valley for this type of cotton. When manufactured it is valued at more than \$250,000,000. It furnishes employment to the textile mills at home and abroad and plays an important part in the balance of trade. There are outstanding bonds and mortgages in the Yazoo Basin in excess of \$100,000,000. Reclamation is an accomplished fact. It has been done at the expense of the people of the Yazoo Basin. They owe to other sections of the country the unpaid costs of these developments.

The area in the valley is agricultural, and there are practically no manufacturing establishments. Our dealings are largely with other sections of the country. Mississippi is an agricultural State. Banking and commerce are carried on with Memphis, New Orleans, and New York. Business in the Yazoo Delta is reflected in other parts of the country.

The Yazoo Basin is not undeveloped. The processes of reclamation have been going on for 100 years. The people are customers in all the markets of the Nation. They have protected themselves to the very limit of their capacity. The growth, development, and progress of other parts of the country have made it impossible for the people of the lower valley to protect longer themselves without the assistance of the Nation. As long as levees were confined to certain sections of the valley the localities paid for their construction. Progress requires sacrifices. The States and local districts are unable to protect themselves against the flood waters of 31 States. The Union was formed because of the inability of the States to perform certain functions. Defense and protection, as well as the promotion of commerce, were contributing factors in the forma-

tion of the Government. The Union was formed to do that which the States and localities were unable to do.

I use the Yazoo Basin again as typical of the valley. It is not a waste or a swamp to be reclaimed. It is traversed by 1,600 miles of railways. There are 3,543 miles of electric transmission lines, 5,625 miles of telegraph lines, and 43,210 miles of telephone lines attached to poles that rest on Delta soil. These properties are owned by people of the Nation. There are more than 1,000 miles of electric lines that furnish light to our cities, towns, and villages. There are 2,457 miles of highways, and our people purchase gasoline from every oil field in the country. There are 2,988 miles of drainage canals and the bonds are owned by the investors of the Nation. There are 78 banks and 25 newspapers, 18 cotton compress warehouses, 59 incorporated towns, 23 oil mills, and 196 saw mills and other manufacturing plants in the Yazoo Basin. Protection is asked against floods that can be prevented, and for which the Yazoo Basin is not responsible. This basin is located almost wholly in the congressional district I represent.

It is said that the people located in the alluvial valley knowing that it was subject to overflow in the natural state. So people located in Belgium knowing that it was in the path of the imperial armies of Germany, but the United States gave money, lives, and much treasure that such an invasion might never again happen. Aside from the other considerations, the protection of life and property is both economic and constitutional ground for the adequate flood control of the lower Mississippi Valley.

Reclamation means creating values that do not exist; flood control means protecting values that already obtain.

ALTERNATIVE SUGGESTIONS FOR FLOOD CONTROL

It has been suggested that the levee system has failed. It has not failed; it was merely inadequate. The system when completed would have protected against the highest preceding flood. Highways are constructed and drainage systems installed upon such a basis. But the flood of 1927 has demonstrated that levees only will not suffice. They must be supplemented by other agencies. From two and a half to three millions of people dwell in the valley. They must be protected. The levees protect the lands that were devoted to floods. It is now apparent that the floods will require more lands than those between the levees.

No river has been more carefully surveyed than the Mississippi; there have been more studies on the Mississippi River than on any other stream in the country. The Government has provided for the improvement of the Mississippi River since 1824. An outlet to the Gulf was a potential factor in influencing Thomas Jefferson in the Louisiana Purchase. The Mississippi River was the key to the commerce of the West.

The Mississippi River Commission has had supervision of the Mississippi River for the improvement of its navigation and for the protection of the valley for more than 47 years. Data, surveys, and studies have been accumulated covering all phases of the problem. It is now time for action. The Chief of Engineers of the United States Army and the Mississippi River Commission have made careful studies and surveys in the light of the flood of 1927. Congress now has the reports of both the Chief of Engineers and the Mississippi River Commission covering the solution of the problem. Except as to the matter of local contribution the recommendations of both agree in the essential factors of the fundamental plan. Levees are the foundation and backbone of each plan. Spillways and diversions are a part of both plans.

Before the recommendations were made all alternative suggestions for the solution of the problem were carefully investigated. Repeated investigations have been made covering various methods of flood control. Commissions have been appointed after each record flood. The various methods have been studied in the light of each flood. The engineers of the Government know more about the problems of the Mississippi River than any other engineers of the country. Every worth-while suggestion as to an alternative for levees and diversions has been thoroughly considered.

REFORESTATION

There is a place for reforestation, but it can not be substituted for flood-control works. The greatest flood in the upper Mississippi Valley occurred in the year 1844. The forests had not been cleared at that time. If the original forests did not prevent floods man-made forests can not do better. There is a place for reforestation; it is a part of our conservation policy, but no one contends that the productive farm lands should be converted into forests.

Again, it is inevitable that turning farms to forests will not reduce the run-off. Reforestation is a step in the right direction and will be beneficial in reducing erosion, but it can not be substituted for flood-control works.

DREDGING THE CHANNEL

It is estimated that to reduce flood levels by dredging would require not only excessive but annual dredging to remove deposits of silt. The process would be entirely too expensive. To reduce the maximum stage 8 feet would require the expenditure of \$80,000,000 annually. There is a grave doubt whether dredging can be carried on faster than deposits are made.

STRAIGHTENING THE CHANNEL

The Mississippi River, like other alluvial streams, pursues a meandering course. There are pronounced bends in the river. Cut-offs have been suggested as a remedy. They produce reductions in river lengths that are only temporary unless the banks above and below have been revetted. Moreover, there would be an increase in velocity that would mean caving banks. Cut-offs cause excessive bank caving. The method of straightening the channel and of adopting cut-offs to improve the channel is too unsatisfactory to warrant adoption.

CLEARING BETWEEN THE LEVEES

Clearing the banks and islands would cost about \$34,000,000. The velocity would be increased. This velocity would scour under or against the levees. Scours that might cause cut-offs, until all the banks have been revetted, are undesirable. Clearing the banks is impracticable.

SIDE CHANNELS

Excavating side channels would be enormously costly. They would collect silt rapidly. Vegetation would clog them and maintenance would be very expensive. Leveeing side channels is much cheaper than excavating channels.

LEVEE SETBACKS

To move the levee line back on one side of the river for 1 mile would on the average increase the discharge capacity 75,000 second-feet, and be equivalent to something over 1 foot reduction in stage. The cost for the whole river would be \$610,000,000. This method would be too expensive. It would destroy many towns. The banks of the river are the highest portions of the valley.

There should undoubtedly be setbacks and levee relocations where the width between levees is now restricted. Many bottle necks should be removed. The distance between levees or between the levee and the opposite bluff from Cairo to Baton Rouge ranges from one-half mile to 11 miles. The average width is $4\frac{1}{2}$ miles. Between Baton Rouge and the Gulf the width is much less but is more uniform, being on the average about 4,000 feet.

Lake Itasca is 1,467 feet above mean Gulf level. The fall at low water to St. Paul is 782 feet in a distance of 527 miles. Between Cairo and the mouth of the Red River the low-water slope varies from 0.2 to 0.6 foot per mile, the average slope between the terminal points being 0.35 foot at extreme low water. From the mouth of the Red River to the Gulf, a distance of 309 miles, the average river slope at extreme low water is one-tenth of a foot per mile. The tidal effect obscures the actual slope in this region of the river. Levee setbacks are not practicable.

CONTOUR PLOWING

Legislation to discourage artificial drainage of lands on tributary streams and headwaters and to promote contour plowing with a view to lessening the rate and amount of run-off has been suggested for arresting headwaters at their source. It is believed, however, that the general effect on floods in the lower valley would be insignificant.

RESERVOIRS

Careful studies have been made covering the construction of reservoirs for the control of floods in the lower Mississippi. The studies show that in most cases the benefits for power or local flood control are of greater value than are benefits resulting for flood control on the lower Mississippi. In other words, reservoirs are valuable for local flood control on the headwaters, but they are not practicable for controlling the floods in the alluvial valley. Careful investigations have been made covering the matter of reservoirs; they were made after the flood of 1927, and they have been made after previous floods. The results are the same; reservoirs will not solve the problem in the alluvial valley, but further studies may show that they will solve the problem of the lower tributaries; but levees at and near the mouths of tributaries mean pumping, and pumping may be prohibitive because of costs.

The reservoir board reports that reservoirs are not economically justifiable in connection with a comprehensive plan for flood control in the Mississippi Valley at the present time. Reservoirs that would give a dependable reduction of flood height of 5.7 feet at Cairo, 6.9 at the mouth of the Arkansas, and 5.4 at the mouth of the Red River are estimated to cost \$1,296,000,000. Equivalent protection can be given by levees for \$250,000,000. The best reservoir project found, in addition

to the reservoirs at the mouths of tributaries, for the flood control in the lower valley is a system of 11 reservoirs on the Arkansas and White Rivers, at an estimated cost of \$242,000,000, and these reservoirs would have reduced the floods at Arkansas City by about 8 feet. The probability is that even these reservoirs would require the destruction of fertile lands in the valleys of the Arkansas and the White more valuable than the lands they would protect along the Mississippi River. In addition the costs of protection would be very much greater for the construction of reservoirs.

Gen. Edgar Jadwin, Chief of Engineers, estimates that in the flood of 1913, if all the water flowing past Pittsburgh on the Ohio, and all the water flowing past St. Paul on the Mississippi, and all the water flowing past Sioux City on the Missouri, had been held back by reservoirs the flood waters south of Cairo would have been reduced by only 2 per cent. Reservoirs were constructed on the Miami, one of the tributaries of the Ohio, at a cost of \$15,000,000; their depreciable effect on the Cairo gauge would not exceed one-fifth of an inch.

Mr. Arthur E. Morgan, eminent engineer, says of reservoirs:

A billion dollars on the headwater streams would scarcely affect the lower Mississippi.

Again:

I believe that the construction of this system (Pittsburgh plan to construct 17 reservoirs above that city) would fall entirely to benefit the Mississippi. Except for rare cases, such as the proposed Boulder Dam on the Colorado River, where vast storage capacity is available in an unsettled country, storage for flood control and for power development are in striking conflict. Flood-control reservoirs need to be kept empty and ready for flood service, while power-development reservoirs need to be kept full to insure steady power. It is usually a great mistake to try to combine them. * * * The excessive rains which cause any single flood seldom extend over more than 20 per cent of the whole drainage area of the Mississippi River. * * * Flood control on the lower Mississippi by means of reservoirs on the headwaters in general is a delusion.

However, the rivers constitute an important part of our natural resources. They belong to the people. The potential water power on many streams is not known. Congress should make provision for careful studies on all streams of the country with a view to ascertaining the potential water power, the capacity for navigation, the necessity for flood control, and the benefit of irrigation. Flood control can not be provided for any stream or tributary until proper surveys have been made. These surveys have not been made on any tributaries of the Mississippi. They are essential before any works can be authorized. The Sixty-ninth Congress, by incorporating House Document No. 308, providing for surveys of the tributaries of the Mississippi River and other streams of the country, in the rivers and harbors act approved January 21, 1927, took a forward step in protecting the natural resources of the Nation.

The Mississippi has been surveyed. Studies have been made for 100 years. Plans have been proposed. There is general agreement as to the method of flood control. Tributaries have not been surveyed. The surveys ordered should be made immediately. Flood control is a national problem. The treatment of the tributaries of the Mississippi can not be expected until Congress has carefully considered the surveys and reports. It is the duty of Congress to see that these surveys are made promptly, so the tributaries and other streams may have the consideration they deserve.

The Reclamation Service has built a number of large irrigation reservoirs in the Missouri drainage basin. Eight of these reservoirs have a storage capacity of 1,813,500 acre-feet and were constructed at a cost of approximately \$5,700,000. Investigations have been made, and the Army engineers estimate that the amount held back by these reservoirs in 1927 was equivalent to about one-sixteenth of an inch on the gauge at Cairo. It will be remembered that the flood waters of the upper Missouri do not usually reach the lower Mississippi until June. The floods in the Ohio and other tributaries come earlier. There are six reservoirs in Minnesota maintained on the headwaters of the Mississippi, and they are operated primarily for navigation and to control local floods. They were constructed at a cost of \$1,322,700, and it is estimated that the operation of these reservoirs causes a reduction of slightly more than one-fifth of an inch on the gauge at Cairo.

Reservoirs on the headwaters of the tributaries are not economical and practicable for the control of the floods in the lower Mississippi Valley. More than one-third of the Mississippi Basin lies west of the one-hundredth meridian, which passes through the middle of the Dakotas, Nebraska, and Kansas. This part of the basin usually contributes less than 5 per cent of the water of the floods in the Mississippi. By contrast, the Ohio, which is generally the foundation of every great

flood in the Mississippi River, drains 17 per cent of the Mississippi Basin, and usually contributes 50 per cent of its floods. These are the careful estimates of the engineers of the Army.

OUTLETS

Since levees only can not be relied on to solve the problem of flood control, other methods must be adopted. Spillways and outlets have heretofore been opposed because of their effect on the discharge capacity of the river. However, before the levees were built water spilled gradually over the banks in every flood. Water was diverted through the natural outlets at Cape Girardeau and Cypress Creek.

There is no evidence to show that the regimen of the river was injuriously affected. Levees must be supplemented by spillways and diversions. The combination of the two will solve the problem. There is a proper place for reservoirs, for local flood control, power, and irrigation. Reforestation should be encouraged and developed. Soil erosion should be prevented. But, in the meantime, floods in the lower Mississippi Valley should be controlled, and according to the best posted and best informed engineers in the United States the backbone of the control consists of levees, supplemented by spillways and diversion.

TENSAS AND ATCHAFALAYA DIVERSIONS

Cypress Creek, at the head of Bayou Boeuf, was closed in 1921. Before it was closed the Mississippi flood water above a stage of 53 feet on the Arkansas City gauge overflowed through Cypress Creek down the valley of Bayou Boeuf and Bayou Macon and discharged into the Red River, through the Tensas and Ouachita Rivers, and thus a natural diversion was provided. Both the Chief of Engineers and the Mississippi River Commission agree that this diversion must be reopened. It was a monumental error to close Cypress Creek. It was a natural outlet.

It traverses the lowest ground for spilling the waters of the Mississippi River. As a part of any flood-control scheme it should be reopened and just compensation made by the Government to the people who have improvable lands as a result of Cypress Creek being closed. All the engineers in the employment of the Government recommend the Cypress Creek diversion. The chairman and one member of the Mississippi River Commission state that they would like to investigate the matter of reservoirs along the Arkansas and the White. Both join in the recommendation for the Cypress Creek diversion, and the substance of their testimony is that this diversion must be considered a part of any comprehensive flood-control plan.

There is no disagreement about the enlargement of the diversion through the Atchafalaya. All engineers agree that at least 600,000 cubic feet should be diverted through the Cypress Creek outlet and 900,000 cubic feet through Atchafalaya. The Government should bear the expense incident to the diversions. This is the time to make them. Delay means additional costs and further improvements. It is estimated that only about 10 per cent of the Atchafalaya flood way is cultivated. The figures show that approximately 25 per cent of the proposed Tensas flood way is now cultivated. The remainder is swamp, timber, and cut-over lands. Eminent engineers have testified that a diversion can be made through Cape Girardeau, through the natural outlet formerly provided for the overflow waters of the Mississippi into the St. Francis Basin. It is maintained that a diversion here would protect Cairo. It may come. The engineers say that for the present the problem can be solved more economically by an enlarged channel between Cairo and New Madrid or by higher levees. This enlarged channel is really the adoption of the diversion system to supplement the levee system.

NAVIGATION

The Mississippi River is the greatest navigable river, not only in the United States but in the world. For practically the first 40 years of its existence the energies of the Mississippi River Commission were devoted, as directed by Congress, to the improvement of the Mississippi River for navigation. The census of 1889 gives us the first accurate statistics as to navigation on the Mississippi and its tributaries. The river traffic during this period was enormous. Freight and passenger boats were at the high tide of their prosperity. This census gives the total commerce of the Mississippi River and its tributaries in 1889 as 28,000,000 tons. Railway construction had been begun in the early eighties in the lower Mississippi Valley, and for a time the boats very largely disappeared from the river.

There have been improvements in steamboats as there have been in railways. The old side-wheel steamer has been superseded by the boat with the modern Diesel engine and a light draft. The total commerce in 1926 on the Mississippi River and its tributaries was 57,000,000 tons, or more than twice as much as in 1889. The operations of the Inland Waterway Corporation have emphasized the importance of the Mississippi as

a navigable stream. It is estimated that this corporation transported 5,000,000 tons on the river in 1920, and the tonnage had increased to 17,500,000 tons annually on June 21, 1927.

Both the Chief of Engineers and the Mississippi River Commission maintain that levees and bank revetment are essential to the improvement of the navigation of the Mississippi. Caving banks occur in the bends of the river and on the concave side of the river. The caving of banks produces a large part of the material that forms the bars to obstruct navigation. The levees confine the waters and promote navigation. Revetment protects both the levees and the caving banks.

The Mississippi River Commission estimates that there are about 500 additional miles of banks that need to be revetted, making about 630 miles of revetment. The Chief of Engineers places the mileage at something less than this figure. The Mississippi River Commission estimates that bank stabilization will cost about \$150,000,000. The Chief of Engineers figures \$110,000,000. Both agree that no system of flood control or navigation improvement works can be effective or secure without stabilization of river banks. Dredging will be diminished by revetment and levees will be protected.

Caving banks do not occur extensively below the mouth of Old River. They are confined to the concave banks, and generally occur between the mouth of Red River and Cairo. With practical unanimity, all engineers agree that levees and revetment are essential for flood control and navigation. It is important, therefore, that flood-control legislation should make provision for bank revetment as well as for levees, spillways, and diversions.

FLOOD CONTROL ACTS

The first flood control act was passed on March 1, 1917, and authorized an appropriation of \$45,000,000 for flood control and river improvement. Prior to that time the appropriations by Congress had been made principally to protect navigation. As shown by the report of the Mississippi River Commission, dated November 28, 1927, printed as committee Document No. 1, Seventieth Congress, first session, the appropriations for the Mississippi River from 1879 to 1916 aggregated \$82,965,610.68. The first flood control act was passed just one month before the entrance of the United States into the World War. Congress was compelled to reduce the annual appropriation. The work extended over seven years instead of five. As shown by the report of the Committee on Flood Control, published as Report 1420, Sixty-seventh Congress, fourth session, the commission expended \$4,000,000 a year for works other than levees, instead of \$3,000,000, so that \$28,000,000, instead of \$15,000,000, was allotted to work other than flood control. Under the first flood control act, therefore, only \$17,000,000, instead of \$30,000,000, were devoted to levees.

As shown by the report of the Mississippi River Commission, under the second flood control act, approved March 4, 1923, Congress has appropriated \$40,000,000 of the \$60,000,000 authorized and the testimony of Col. C. L. Potter, president of the commission, shows that only about \$13,000,000 of this amount has been devoted to the construction of levees, the remainder being used for navigation improvement.

As shown by the report of the Mississippi River Commission, dated November 27, 1927, and as shown by the report of the Chief of Engineers, printed as House Document No. 90, Seventieth Congress, first session, the Federal Government expended for levees from 1882 to December 31, 1926, \$71,089,993.58. Under the first and second flood control acts the local interests contributed one-third of the costs of levees and provided the rights of way, and during this period their contributions amounted to \$15,058,280.20. Levee construction from 1882 to 1927 was largely done by the local interests and during this period, as shown by the report of the Mississippi River Commission and the Chief of Engineers, the local interests expended for levee construction \$151,953,175.25. As shown by page 27 of the commission report the Government has expended between 1881 and 1927 \$61,000,000 for revetment, and the local interests have contributed over \$3,000,000 for revetment. There have, therefore, been spent by both the Government and the local interests for levees and revetment since 1882 approximately \$300,000,000, of which amount only \$71,000,000 for levee construction has been contributed by the Government, the local interests during the same period having contributed \$167,000,000.

Moreover, as shown by the report of the Chief of Engineers on page 13, local interests expended in the construction of levees prior to 1879 over \$125,000,000. The second flood control act authorized an appropriation of \$60,000,000. At the time of the flood of 1927 \$40,000,000 had been appropriated. It was estimated that the levees along the main river, under the second flood control act, would be brought up to the 1914 grade and section. They were incomplete, therefore, at the time of the 1927 flood.

FLOOD OF 1927

A notable flood occurred in 1828, when the lower valley was generally overflowed. There was a great flood in 1844, when the Yazoo Basin was flooded. This flood was the highest ever known above the mouth of the Ohio. There were great floods in 1849, 1850, 1858, and 1862.

The flood of 1882 was the greatest south of Cairo. Two hundred and eighty-four crevasses occurred on the Mississippi River. In 1883 there were 224 crevasses, for the flood of 1882 was followed by two successive and excessive floods in 1883 and 1884. There were also great floods in 1890, 1893, 1897, 1903. The flood of 1912 exceeded all previous records south of Cairo, and prior to 1927 was the greatest flood in the lower valley. There were great floods in 1913, 1916, and 1922.

The rainfall that caused the flood of 1927 was excessive throughout the valley. There had been heavy rains all along the Tennessee and the Cumberland Rivers in the fall of 1926. Heavy rains continued from January until April. The central and lower valley were drowned by rains from the Gulf winds passing north over northwestern Arkansas, southern Missouri, Tennessee, Mississippi, and Louisiana. The rainfall in eastern Oklahoma, western Arkansas, and southern Missouri was unprecedented. It is estimated that the discharge of the Arkansas River at Little Rock was 813,000 cubic feet per second, the highest on record. Meantime, along the headwaters of the main tributaries there was a normal precipitation.

ENORMOUS DAMAGES BY FLOOD OF 1927

The flood of 1927 was the greatest ever recorded in the lower Mississippi Valley. According to the Department of Agriculture about 11,000,000 acres, of which 4,400,000 acres were crop lands, were inundated in the lower Mississippi Valley in the flood of 1927. There is a great misconception as to soil deposits following overflows. Prior to the construction of levees and the clearing of land there was a deposit of silt that enriched the soil. The cane and timber impeded the currents that caused the deposits, but as the country was cleared and the levees were constructed, mere overflows became floods when the levees broke. The currents were increased and there was no cane or timber to slacken these currents. Deposits now obtain only in the timber places or in the lee of ridges or other obstructions. It may be safely said that for every inch of deposit left in the alluvial valley 3 inches of top soil were eroded from other lands. Moreover, the deposits now fill the drainage ditches and canals, where the eddying action of currents causes precipitation. Instead of the soil being enriched the soil is practically destroyed by deposits of sand where crevasses occur. Floods leave no deposits of value.

There were 17 breaks in the main levee of the Mississippi River and 209 on the tributary levees in 1927. The Red Cross estimates loss of life at 245, and the Mississippi River Flood Control Association gives the losses and damages resulting from the flood of 1927 at \$236,334,414.06. The Red Cross expended more than \$17,000,000 and Army supplies valued at \$7,000,000 were furnished. The Red Cross reports that 607,000 people were fed and cared for by this great organization. It is estimated that at least 700,000 people were driven from their homes.

The greatest break that ever occurred on the Mississippi River happened at Mounds Landing on April 21, 1927, at 7.30 o'clock in the morning. The gauge then stood at 60.5 at Arkansas City. The break occurred following a heavy rain and high wind the night before, with a rise of 1.1 for the previous 24 hours. Within two hours after the levee broke the break was a quarter of a mile wide, and by noon it was a half mile wide, and finally it grew to the width of 3,300 feet. It overflowed 316 miles of railway track, and flooded the cities of Greenville, Leland, Hollandale, Belzoni, Silver City, Rolling Fork, and a large number of smaller towns. According to the Bureau of Agricultural Economics, 735,000 acres of crop land were flooded, thousands of people were made homeless, 7,300 mules and horses, 8,920 cattle, and 22,300 hogs, and 260,000 poultry were destroyed in the Yazoo Basin. It is estimated that 550,000 acres of land overflowed in 1927 were planted to cotton in 1926. The floods did not subside until about the middle of August, and for the first time in the history of the Mississippi Valley no crops of any value were produced in the overflow section of the Yazoo Basin. Not more than 10 per cent of the overflow area was planted to cotton in 1927. The break at Mounds Landing was finally closed about December 1, 1927, and crops were impossible because of a June rise in the Mississippi River that caused the receding waters to rise again.

The Mississippi River Flood Control Association estimates the damage in the State of Mississippi at \$45,931,294. While the Red Cross gives the aggregate loss of life at 245 in the valley, it is conservatively estimated that there were 200 lives

lost in the Yazoo Basin alone. After the overflow, many human skeletons were found.

Numerous deaths were unreported. Negroes constitute the principal labor supply. A farm without labor is a liability. Many refused to return to the farms after the waters receded, and it will be many years before their places are taken. The loss of labor is sometimes overlooked in estimating damage resulting from floods, but it very materially reduces the value of lands in the overflow section. The largest county in the flooded area probably lost one-third of its population.

In addition to the crop lands that were overflowed, it is estimated that about 1,000,000 acres of cut-over and timberlands were inundated in the Yazoo Basin.

It is unfortunate that the water levels in the backwater areas along the lower Yazoo and Sunflower Rivers have steadily increased in recent years. The river gauge at Vicksburg in 1927 reached the unprecedented height of 58.7 feet, as against 48.7 feet in 1882. The lands in the lower Yazoo Basin are taxed for levee purposes. Lands in other backwater areas in the valley are not taxed. In justice to these areas, if flood protection is not given to the backwater areas they should be relieved of further taxes for levee construction.

The Assistant Chief of Engineers of the United States Army reports that the damages from the flood of 1927 are variously estimated from \$236,334,000 to \$284,118,000. It is certain that they exceed the aggregate of the estimated damages for all previous floods. For the years 1882, 1883, 1893, and 1897 there are no recorded estimates of the flood losses and damages. The territory was not then so densely populated, and there was less land in cultivation. In 1907 the damages were small and no estimates are available. The estimated damages for floods of the following years are: 1903, \$40,000,000; 1912, \$78,188,000; 1913, \$12,213,000; 1916, \$5,533,000; 1920, \$7,088,000; 1922, \$17,088,000.

Secretary of Commerce Hoover, who represented the President of the United States during the 1927 flood in the overflow area observed:

It is not incompatible with national economy to prevent \$10 of economic loss by the expenditure of \$1 of Federal money.

Only adequate flood control at the Federal expense can protect the lives and property in the lower Mississippi Valley.

LOCAL CONTRIBUTION

We have already pointed out that the local districts have contributed \$167,000,000 since 1882, while the Federal Government has appropriated only \$71,000,000 to the construction of levees. The local interests expended, prior to 1882, \$125,000,000. The Army engineers estimate that the levees now standing along the Mississippi River have a replacement value of \$115,000,000. It is shown by the engineers that \$100,000,000 of the \$229,000,000 spent for levees since 1882 were lost through caving banks. It is estimated that approximately 1,000,000 cubic yards of earth cave into the Mississippi River annually. Every engineer and every well-informed layman on the river agrees that bank stabilization is absolutely necessary to the protection of the levees as well as necessary to stabilization for navigation. All agree that the costs of bank revetment should be borne by the Government.

The flood-control act approved March 1, 1917, required the engineers to give their opinion, in considering all works and projects for flood control, as to what share, if any, should be borne by the United States. Gen. Edgar Jadwin, Chief of Engineers, recommended that 20 per cent be borne by the local interests, and that these interests furnish the rights of way for levees along the main river and rights of way and flowage rights for diversions and spillways. The President concurred in the recommendation of 20 per cent. The hearings develop that neither the President nor General Jadwin now insist upon the figure of 20 per cent. The President and many other friends of flood control believe that the local interests should contribute. They want the principle retained. They are afraid that a precedent of construction of works entirely at Federal expense established for the lower valley might be used for other streams. A careful analysis and a consideration of past expenditures show that under the Jadwin plan the local interests would contribute 49 per cent, while the Government would only contribute 51 per cent. The local interests under the Jadwin plan would be expected to furnish the flowage rights through the Tensas and Atchafalaya Basins, at a cost estimated by the Mississippi River Commission at \$91,000,000.

In addition to the 49 per cent, the local interests under the Jadwin plan would furnish rights of way along the main river for levee relocations and enlargements that would cost \$1,168,420 in the Yazoo Basin. The local interests would provide, according to the estimate of the Mississippi River Commission,

under the Jadwin plan for flood ways, \$104,000,000. When past expenditures are considered, and if the project is constructed under the Jadwin plan, the local interests will have an investment of 67 per cent, as against 33 per cent investment by the Government. These percentages are arrived at as follows:

Local interests, under Jadwin plan (p. 11, par. 41)-----	\$37,440,000
Local expenditures to date-----	295,000,000
Deficit for flood way-----	104,000,000
Total expenditures for local interests (67 per cent of the total)-----	436,440,000
Federal Government, under Jadwin plan (p. 11, par. 41)---	147,960,000
Government levee expenses to date-----	71,000,000
Total expense of the Government (33 per cent of the total expense)-----	218,960,000

The report of the Mississippi River Flood Control Association shows that there are outstanding levee bonds by the levee districts of the lower Mississippi Valley aggregating \$43,805,451.27. These bonds mature over a period of years. The local interests will do well to liquidate these bonds as they mature.

The Mississippi River Commission recommends that the Government bear substantially all the costs for flood-control works. They believe that the principle of local interest should be retained; that the levee districts should furnish the rights of way and furnish one-third the costs of maintenance of the levees.

The commission insists that inasmuch as the Government is to expend millions of dollars in construction of levees it would be unwise to turn these levees over to any other interests for maintenance. They believe that there should be local cooperation. They suggest that the local interests pay one-third the cost of maintenance.

The commission recalls that the local contribution by the flood control act of 1917 was limited to the 1914 standard grade and section. It believes that the local interests should continue to contribute where the levees have not been brought up to the 1914 standard. It believes that the enlargement of the levees in excess of the 1914 standard grade and section and the costs of new levees should be assumed by the United States. The Government should bear the costs of relocating levees. The commission recommends that bank revetment continue to be done at Federal expense. Both the commission and the Chief of Engineers recommend that the title to the levees shall remain in the local districts.

If the recommendation of the commission as to local contributions is adopted, it means that the local interests in the third Mississippi River district, which includes the levees on both sides of the river in front of the Yazoo Basin, would contribute to the building of the levees along the main river approximately \$1,649,333 to complete the levees along the main river to 1914 grade. The two districts in the Yazoo Basin would contribute below Brunswick \$598,661 and the Mississippi district above Brunswick \$266,667.

If the Federal Government will not assume the entire burden, it is believed that the recommendation of the Mississippi River Commission should be adopted. Under either the commission or Jadwin plan the total costs of adequate flood control will aggregate about \$500,000,000.

However, the local interests have borne their part. The hearings before the Flood Control Committee have shown conclusively that many districts are unable to contribute further. The proposed legislation should authorize construction by the Government without local contribution in these cases. Formerly, the landowners could afford local contribution.

The levees were low. The territory was sparsely settled. It is now covered with cities, highways, and improved plantations. The demand for flood-control works is in the interest of the whole Nation. Two centuries ago the levees in front of New Orleans were 4 feet high; they were ample to protect the city from overflow. To-day, between the Gulf and the mouth of the Red River the levees are above the roofs of houses. They have proved inadequate to contain the floods that are poured down between them from the north, the east, and the west. In Louisiana not a drop of water enters the Mississippi River from where the Red River enters the Mississippi to the Gulf of Mexico, a distance of 300 miles. All the rainfall in Louisiana, Arkansas, and Mississippi could have been carried safely to the Gulf for a small part of the money these States have spent in levee construction, but the floods from the Rockies, the Alleghenies, and the Great Lakes have swept down periodically, have swollen the current, broken the levees, and carried death and destruction in their wake. The States of the lower valley have already spent more than enough money to protect themselves from floods that originate in their territory. They have done their part and more in defraying the costs of flood pro-

tection. Whatever amount the lower-valley districts contribute in the future will be extracted from those who have suffered staggering losses of hundreds of millions of dollars during the year 1927. It is not fair, it is not possible for the States of the lower valley to care not only for their own floods but also the floods of western Pennsylvania, Illinois, Nebraska, New Mexico, and of 27 other States as well. On an average of every five years since 1882 the levees have been broken and the waters from 41 per cent of the area of the Union have ravaged the towns and plantations of Louisiana, Arkansas, and Mississippi.

The leading statesmen and the conspicuous business leaders and organizations of the Nation have said that flood control is a national problem, and that it is an injustice for the States of the lower valley to combat the flood waters of almost half the continent. The heart of the Nation has been stirred and it is the universal sentiment of the country that the flood menace of the lower valley should be ended for once and for all. Every time there has been a flood the Nation has been quick to sympathize, and has responded generously with immediate relief, and Congress, when the waters receded, almost forgot. In the light of the flood of 1927 we must not now forget; for to forget is to neglect, and to neglect is to cause an even greater tragedy than the flood of 1927.

The local benefits are incidental. All public works result in private benefit. Communities benefit by the construction of Army posts, streets, highways, and shipyards. The harbors of New York, Boston, and Philadelphia are maintained at Federal expense.

Loss to the overflow areas is not a conclusive factor. The Mississippi River belongs to the Nation. The commercial life of the country is endangered by floods. Commerce is interrupted and the economic loss falls on all citizens.

It is an injustice to protect the heart of the country by requiring the local interests to bear the greater part of the burden. It is just as wrong as it would be to place the protection of our national boundary lines upon the boundary and coast States. It is just as fallacious as it would be to ask local districts to construct locks and dams in the rivers. Levees protect, but they do not reclaim. The removal of snags promotes navigation, but it does not create commerce. Both afford the opportunity for increase in values. The lands must be cleared; they must be cultivated and improved.

Moreover, local contribution results in divided responsibility. The entire project can not be permitted to lag because of the inability of certain districts to contribute. The break at Knowlton and at Laconia Circle in 1927 resulted from the inability of local districts to pay, and flooded the States of Louisiana and Arkansas. The Federal Government can only have the final word in the construction and maintenance of the levees when it assumes the full cost. The assumption of the entire burden will result in economy in the long run.

EMINENT DOMAIN

The Government has not, but by statute should have the right to eminent domain to acquire rights of way for levees and flowage rights for spillways and diversions. It has the power of eminent domain as a part of the exercise of its inherent sovereignty. The question of necessity for taking is not a judicial question but a legislative one. The right of eminent domain does not rest upon a constitutional enactment, but it is an incident to sovereignty. Some have objected because they believe that the Government will be required to pay excessive costs for flowage rights through the Tensas and Atchafalaya Basins, which will be about 7 to 14 miles in width and will probably require 2,000,000 acres of land. The agency of the Government charged with the execution of the works should be given the right of eminent domain, so that the proper rights may be acquired in the event they are not furnished by the local interests. Moreover, the Government should be protected and provision should be made for the exercise of the right of eminent domain, so that just compensation to owners of property may be fixed by commissioners in the district courts of the United States without the intervention of a jury. The practice of ascertaining just compensation by juries did not obtain in England and America at the time of the adoption of the Constitution, and the Supreme Court of the United States has held that just compensation can be estimated by commissioners of the court without a jury. (*Bauman v. Ross*, 167 U. S. 548; *Backus v. First Street Union Depot Co.*, 169 U. S. 557.)

It has been suggested that the consent of the States would have to be obtained before diversion channels could be constructed in aid of navigation and flood control. This is not at all necessary. If the United States has the right to provide for flood control and navigation works it may acquire any property necessary, with or without the concurrent acts of the States in

which the land is situated. (*Van Brocklin v. Tennessee*, 117 U. S. 154.)

Congress can not delegate its legislative function; but having laid down the general rules of action under which a commission or agency may proceed, it may require of the commission the application of such rules to particular situations with a view to making decisions in particular matters within the rules laid down by Congress. (*Union Bridge Co. v. United States*, 204 U. S. 364; *Monongahela Bridge Co. v. United States*, 216 U. S. 177; *Hamilton Bridge Co. v. United States*, 221 U. S. 194; *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194.) Congress may appoint an agency to enforce the rules that it lays down and to execute the works for which it provides.

It is unnecessary to cite any authority to support the power of Congress over navigation, for the power is derived from the commerce clause of the Constitution, and has been exercised for so long that it is known and understood by all. (*Pennsylvania v. Wheeling Bridge Co.*, 18 How. 421.)

Congress undoubtedly has the power and authority to provide for the construction of levees and other works under the commerce clause of the Constitution in the aid of navigation and under the power to establish post roads and for the common defense. Under Article I, section 8, clause 1, of the Constitution, which provides for the levying of taxes for the common defense and general welfare of the United States, Congress has the power to appropriate money for any purpose which in its judgment is for the general welfare. There is a difference between the constitutional power to appropriate and the constitutional power to regulate and control.

The power to enact flood control legislation involves not only the power to appropriate money, but to establish and construct works without let or hindrance from any person or State. The power to legislate for the control of floods is not given specifically to Congress, but it exists under Article I, section 8, clause 18, of the Constitution under the power of Congress to make

all laws which shall be necessary and proper for carrying into execution the foregoing powers.

If the end be legitimate, if it be within the scope of the Constitution, all means that are appropriate and plainly adapted to that end, that are not prohibited, are constitutional. (*McCulloch v. Maryland*, 4 Wheat. 316.)

The Supreme Court of the United States upheld the provisions of an act to deport alien anarchists as constitutional, as a part of its sovereignty as well as under the commerce clause. (*U. S. v. Williams*, 194 U. S. 279.)

The court held in the case of the *United States v. Gettysburg* (160 U. S. 168) that the preservation of the battle field of Gettysburg was within the power of Congress. Other cases might be cited, but these are suggested to show the scope and meaning of the words "necessary and proper" as construed by the court of last resort.

The power to do whatever is necessary to guard against the effects of damaging floods which may delay and destroy interstate commerce may be fairly deducted from the power to regulate commerce with foreign nations and among the several States, granted in Article I, section 8, clause 3, of the Constitution, also from the power to establish post roads and post offices, found in the 7th clause of the same section.

The war power is also important, though in times of peace it may not be so clear. We are not confined to any of the expressed powers in ascertaining the source of implied powers. We may resort to any or all of them. The commerce and post roads provisions, however, have a definite application, for under the commerce clause Congress has power to enact all appropriate legislation and to promote its growth and insure its safety. (*Houston v. U. S.*, 234 U. S. 342.)

The construction of transcontinental railroads was in aid of commerce, and franchises and grants of land for this purpose were upheld by the Supreme Court. (*Pacific Railroad Removal Cases*, 115 U. S. 1.) During the World War the entire transportation system of the country was taken over and operated by the Government as a war measure. The transportation act of 1920 recognized the national theory of commerce, and it is an act which has been upheld by the Supreme Court of the United States. (*Wisconsin v. C. & B. & Q. R. Co.*, 257 U. S. 562; *Dayton-Goose Creek Railway Co. v. U. S.*, 263 U. S. 456.) The step to a national flood control act from this act is short and easy.

The constitutional powers have kept pace with the new agencies brought into use by the increasing demands of commerce, wealth, and population. Necessity has revealed the power; it may not have created it.

The following conclusions are supported:

First. Flood-control work is a proper function of the Federal Government and Congress is the sole judge of the circumstances under which appropriations may be made.

Second. The power of Congress is not limited to navigation, or to cases that are incident thereto, but may be predicated upon the basis of aid to commerce and the destruction, injury, or impairment of the agencies engaged in commerce.

Third. The commerce clause is not the only constitutional basis for flood control, though perhaps the clearest. The power to establish post roads, to provide for the common defense, to declare war, as well as other powers, all have the effect of showing that flood control is within the scope and purpose of the Constitution.

NEITHER THE GOVERNMENT, STATES, NOR LEVEE DISTRICTS LIABLE FOR DAMAGES

There can be no claim on the part of the States against the Government for the construction of flood-control works. Any claim for damages must be a claim by the individual damaged. The courts of the United States and the State of Mississippi have held that there is no such claim resulting either from the control of the flood waters of the river or from the ineffective efforts to control such flood waters. There is no remedy in tort for such damage. (*Keokuk Bridge Co. v. U. S.*, 260 U. S. 125.)

Riparian ownership is subject to the obligation to suffer the consequences of the improvement of navigation in the exercise of Government rights in that regard. Moreover, damages resulting from the prosecution of works on a navigable stream for the public good are not a taking of property but are merely incidental to the exercise of a servitude, to which it is always subject. (*Gibson v. U. S.*, 166 U. S. 271; *Bedford v. U. S.*, 192 U. S. 233; *Jackson v. U. S.*, 230 U. S. 1; *Hughes v. U. S.*, 230 U. S. 24.) These last two cases originated in Louisiana and Mississippi; the one involved damages to riparian owners along the bluff on the east side of the Mississippi, and the other damages to owners because of the construction of levees in the alluvial Yazoo Basin. The Supreme Court of the United States held that there was no liability in either case.

The overflows of the Mississippi River justify the construction of levees for the purpose of preventing destruction to the valley of the river, and the owners of land fronting on the river have no right to complain because of the building of levees along the river, causing overflow of their land. (*Cubbins v. Miss. River Commission*, 241 U. S. 351.) There is no liability against the United States for the improvement of a navigable stream in the aid of commerce where no property or land is actually taken. (*Sanguinetti v. U. S.*, 264 U. S. 146.) Flood control legislation should provide for the construction of works so that no damages can be asserted against the Government. Levees would never have been built if the districts had been liable for resulting damages to landowners, for the improvements were for the general public benefit.

TWO PLANS

Extensive studies and investigations have been made by the Government to solve the problem of the flood control of the Mississippi River. In 1822 Bernard and Totten, Army engineers, submitted a report after extensive study. Humphreys and Abbott, Army engineers, made an elaborate report in 1861. Studies have been made in the light of previous floods. Congress has appointed many commissions. The Warren commission in 1875, the Burrows committee in 1883, and the Nelson committee in 1898 submitted reports. President Wilson, after the flood of 1913, ordered a full investigation for more efficient methods for flood control.

The Mississippi River Commission had provided for the greatest flood that had occurred prior to 1927. Levees with a 3-foot freeboard and up to what is known as the 1914 grade and section were adopted. When the flood of 1927 was at its height the Chief of Engineers, at the direction of the President, and with the approval of the Secretary of War, requested the Mississippi River Commission to revise its plans to provide a reasonable factor of safety for any probable flood.

Accordingly, on November 28, 1927, the Mississippi River Commission submitted a report, published as Flood Control Committee Document No. 1, Seventieth Congress, first session, and this report is hereafter referred to as the commission report. Maj. Gen. Edgar Jadwin, Chief of Engineers, also submitted a report, herein referred to as the Jadwin report, which was transmitted to Congress on December 8, 1927, and printed as House Document No. 90, Seventieth Congress, first session.

The commission report contains a tentative program at an estimated cost of \$407,500,000, intended to protect against a flood equal to that of 1927, and a comprehensive project estimated at \$775,000,000, intended to protect against a flood 25 per cent in excess of the 1927 flood.

The Jadwin report contains a project estimated to cost \$296,000,000, and it provides for a maximum predicted flood and for future expansion to meet changing conditions.

The Jadwin report suggests a local contribution of 20 per cent, amounting to \$36,840,000, while the commission report suggests a local contribution to bring the levees on the tributaries and on the main river to the 1914 grade and section. The contributions on the main river, under the commission plan, from Rock Island to the Gulf, would amount to \$6,785,137, and on the tributaries the amount would be \$8,662,220. The total cost for levees on the tributaries under the tentative plan would aggregate \$53,370,890, while under the comprehensive plan it would aggregate \$71,754,570. The principal contributions on the main river to bring the levees to the 1914 grade would be between Cairo and Rock Island. The Jadwin plan contemplates raising the levees to Cape Girardeau, but does not provide for additional work on the levees between Cape Girardeau and Rock Island. The local contributions on the main river in the third Mississippi River district, which includes the entire Yazoo front, and the levees on the Arkansas and Louisiana side, between White River and Warrenton, aggregate \$1,649,333. We have already given the contributions for the two Mississippi River districts to the 1914 grade.

The main engineering features of the two plans are substantially the same. Both plans provide for raising, strengthening, and enlarging the levees from Cape Girardeau to Head of Passes. Both plans provide for diversions and spillways. Under the commission plan the local interests will furnish rights of way for levees only on the main river, in addition to contributions to the 1914 grade. Under the Jadwin plan the local interests would furnish rights of way for levees on the main river, flowage rights for diversions and spillways, and rights of way for levees for diversions and spillways, in addition to contributing 20 per cent of the cost thereof. The local interests would also be required to maintain all levees under the Jadwin plan, while under the commission plan they would contribute one-third the cost of maintenance. The great difference in the estimates of costs is as to the flowage rights through Cypress Creek and the Atchafalaya diversions. Both plans provide for revetment; the commission recommends \$150,000,000, and the Chief of Engineers recommends \$110,000,000. The Jadwin plan makes no provision for the construction of levees along the tributaries. It recommends further studies with a view to flood control, power development, and navigation. Reservoirs on the tributaries may prove valuable for these purposes, and particularly in the control of the floods on the tributaries. The commission plan includes an estimate of \$73,000,000 for levees on the tributaries. It is believed that local interests will be unable to contribute for some time to levees to the 1914 grade in the lower tributaries, for pumping will be required.

A fatal objection to the Jadwin plan is that it recommends that the States or districts agree to hold or save the United States free from all damages resulting from the construction of the project. It would be impossible for the States to do this. Moreover, the States as such have never constructed levees; the districts along the river have built the levees. The Yazoo Basin is but one-eighth of the area of Mississippi. Again, levees have been built on the theory that the public interest required that they be constructed without any damage or liability except for rights of way actually taken. The maintenance of this principle is essential to flood control. This feature of the Jadwin plan would make impossible the protection of the lower valley.

It has been suggested that neither plan makes provision for levees or for payment of damages to riparian owners on the east bank of the river. Levees have resulted in raising the flood levels. The areas in Tennessee along the bluffs aggregate approximately 260,000 acres, about 30 per cent of which is in cultivation, and the area in Mississippi from Vicksburg to Fort Adams is about 140,000 acres, of which about 10 per cent is in cultivation. The remaining portions of these areas are swamp and overflow lands. It is well to keep in mind that while the flood heights have been raised, they have also been raised in the same proportion along the lower tributaries of the Yazoo River and of the Arkansas and White Rivers. Each of these areas, as before stated, is approximately 768,000 acres. If the owners along the bluffs are to be compensated, surely the owners along the lower reaches of the tributaries should also be compensated, for more lands and more productive and valuable lands have been inundated in these backwater areas than along the bluffs by the levee system. In addition, large areas lie between the levees and the river with higher water levels, but no damages are allowed in Mississippi. Lands in Mississippi between the levees and the river are merely exempt from levee taxes.

ECONOMIC SURVEY

Extensive hearings have been conducted by the Flood Control Committee of the House and by the Commerce Committee of the Senate. It has been demonstrated beyond question that the local interests are unable to pay 20 per cent of the costs under either plan. The hearings disclosed accurate testimony as to the values, products, and ability of the local interests to pay. The committees of Congress have visited the devastated areas. Studies and surveys have been made on the lower Mississippi before and since the organization of the commission in 1879. The commission has been in close contact with the people. It is the representative of the Government. It is familiar with the ability of the local interests to make further contributions. The studies embrace both the economic and the engineering features. The universal verdict is that the local interests have borne their part.

Evidently the President and the Chief of Engineers recognize that the contribution of 20 per cent is untenable. They now suggest an economic survey. This begs the question. The responsibility is on Congress. No commission to make an economic survey can obtain better and more reliable and adequate facts than the two committees of Congress have acquired. It is for Congress to decide. Too many abdications by Congress in favor of commissions have already been made. Congress has been studying the problem for almost a year. A commission means further delay. Delay is dangerous. It may mean another flood; it may mean vastly more destruction and tragedy.

It is the duty of the committees of Congress to obtain full information. Congress can not straddle the question; it can not dodge. These committees have heard the evidence. They have gone further than the commission appointed to negotiate a settlement of the foreign debts of the Allies to the United States resulting from the World War. Congress determined the ability and capacity of its debtors to pay from the investigations of the Debt Funding Commission. This commission did not go to Europe and make an economic survey to determine the ability of the Allies to pay. Why should a different method be used to determine the capacity of our people, bone of our bone and flesh of our flesh, to pay?

NATIONAL RESPONSIBILITY

The States and local districts are no longer able to protect themselves against the floods of 31 States of the Union. They have staked their all in improving the alluvial valley and in issuing bonds for the construction of levees to provide against the highest waters that might reasonably have heretofore been expected. Levees have only failed because they were inadequate. As long as the country was sparsely settled and developed the local interests neither asked nor expected aid, but now the country has grown and developed. The burdens from overflows have increased. Progress means sacrifice. The great Middle West has been cleared and is being cultivated. Millions of acres in the lower valley have been made productive. The problem has outgrown the local interests, but it can be solved. The engineering is simple but the task is gigantic. It requires money. There must be a central authority; there must be unity of action. The river must be supplemented, the levees must be aided. Another feature of safety must be added to the levees. Spillways and diversions must furnish the additional safeguard. Further study should be made as to reservoirs.

It is impossible for us to have our cake and eat it. Spillways and diversions must be constructed in those districts where the greatest good will result to the greatest number. The interests of the valley outweigh the claims of any one district. Only the National Government can be the final arbiter in the adoption and execution of a plan that will promote the interests not only of the entire lower valley, but of the Nation as well.

The magnitude of the problem, the vast areas involved, differentiate the Mississippi from all other water courses on the continent. The treatment of the lower Mississippi will not be a precedent for future action. The national character of flood control in the lower Mississippi River has been emphasized by the greatest flood in the history of America. It has been so strongly established that it can never again be questioned. The devastation and destruction wrought by the mighty floods in the lower Mississippi Valley are comparable only to war. The destruction and devastation are really worse than war, and the need has been emphasized by the sacrifices in lives and property in the flood of 1927. Too long have the people of the lower valley suffered; too long have they paid for the privilege of being overflowed annually and of being subjected to bankruptcy periodically. The great flood of 1927 must not be repeated. Congress must provide for the adoption of a plan and for the appropriation of funds to solve the problem once and for all. The united view of the country is that the control of the

floods of the lower Mississippi is the responsibility of the National Government.

LIEUT. CHRISTIAN F. SCHILT

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the awarding of a medal of honor to a member of the Marine Corps.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, it gives me a great deal of personal pleasure and pride that Lieut. Christian F. Schilt, of the United States Marine Corps, is to receive the Congressional Medal of Honor, the highest military award within the gift of the American Government.

Lieutenant Schilt enlisted as a private in the United States Marine Corps early in the World War and served in the First Marine Aeronautic Company during 1918 in the Azores.

Lieutenant Schilt and I served together as enlisted men throughout most of the war, and I was in very close contact with him and had a splendid opportunity to observe him. He is and always was a very modest, quiet, gentlemanly soldier, but a very capable and fearless one. He is of the type of young American who, but for the exigencies of war which immediately lead him into the military service of his country and which service so attracted him that he chose to remain in it and make it his life work, would to-day be a successful business executive or professional man. It is to such officers that most of the credit must go for keeping up the morale of the service in the postwar days of the popular pastime of making the Army and Navy the object of attack and constant ridicule and unfair criticism.

Uncomplainingly, smilingly, and with good-natured tolerance Lieutenant Schilt has carried on and performed splendid, courageous service in peace as in war.

Whether as private or lieutenant Schilt has always performed his duties with such unusual good grace that he has constantly been an inspiration to those with whom he has served.

Lieutenant Schilt has performed conspicuous service as a marine aviator, receiving special commendation for service rendered the United States Geological Survey in securing air photographs of coast and rivers of San Domingo and Haiti. He also received special commendation for taking third place in the annual machine gun and bombing matches at Langley Field, Va., in 1926.

In 1925 he finished in second place in the Detroit News trophy air race, held at Mitchel Field in conjunction with the Pulitzer race of that year, being just a fraction of a second behind the winner.

Lieutenant Schilt, one of the foremost aviators of the country, is receiving the medal of honor for a most unusual and daring exploit, performed at the risk of his own life beyond all call of duty.

The citation for Lieutenant Schilt, now on duty with the aviation detachment, Second Marine Brigade, in Nicaragua, reads as follows:

For extraordinary heroism in the face of the enemy, distinguished by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. On January 6, 7, 8, 1928, at Quilali, Nicaragua, during the progress of an insurrection in that country, Lieutenant Schilt, then a member of a marine expedition which had suffered severe losses in killed and wounded, volunteered under almost impossible conditions to evacuate the wounded by air, and transport a relief commanding officer to assume charge of a very serious situation.

Lieutenant Schilt bravely undertook this dangerous and vitally important task, and by taking off a total of ten times in the rough, rolling streets of the partially burned village, under hostile infantry fire on each occasion, succeeded by almost superhuman skill, combined with personal courage of the highest order, in accomplishing his mission, thereby actually saving three lives and bringing supplies and succor to others in desperate need.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I think we should go back to the calendar until 5 o'clock. I think this is a good precedent to follow. Otherwise some Member might complain that he was discriminated against. I hope we may go on.

The SPEAKER. The Clerk will report the next bill.

YELLOWSTONE FOREST RESERVE

The next business on the Consent Calendar was the bill (H. R. 7946) to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Be it enacted, etc., That the act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906, Thirty-fourth United States Statutes at Large, page 62, be, and the same is hereby, repealed: *Provided,* That the passage of this act shall in nowise affect valid existing entries.

With a committee amendment, as follows:

On line 8 strike out the word "entries" and insert in lieu thereof the word "rights."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LAKE OF THE WOODS

The next business on the Consent Calendar was the bill (H. R. 10884) to amend the act entitled "An act to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I notice that this bill authorizes the Secretary of War to acquire as soon as practicable after the enactment of the act by purchase or condemnation certain lands. The report does not give any information as to what these lands will probably cost and what expenses will be involved by reason of the enactment of this bill. Now can we get some information on that point?

Mr. MAAS. Mr. Speaker, the officials of the War Department estimated that that would cost about \$75,000. This present act is simply to amend the act passed in 1926, to give the War Department authority which they feel they have not got at present, but which was intended to be included in the original act.

Mr. BLACK of Texas. May I inquire whether this bill has been submitted to the Director of the Budget and has received his approval?

Mr. MAAS. We have received information that there is no opposition. We submitted the proposition to the War Department and to the State Department, and we presume that with their approval we have at least the approval of the Director of the Budget.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. DYER. I am trying to get the point of view of the gentleman from Texas as to whether or not the Director of the Budget is legislating or whether the Congress of the United States is legislating.

Mr. BLACK of Texas. Oh, no. The Bureau of the Budget is not legislating. We hear that objection made frequently, but so long as we have a Director of the Budget and the Budget system any bill that involves the expenditure of public money ought to be submitted to the Director of the Budget and receive his approval or disapproval.

Then if Congress wants to follow the recommendation, very well; and if it wants to overrule it, also very well. That is a matter always within the control of Congress.

Mr. LUCE. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LUCE. I observe that there are on the Consent Calendar to-day 50 measures involving the expenditure of money. Has the gentleman objected to any of the preceding ones upon that ground, and does he intend to object to the 50?

Mr. BLACK of Texas. I will answer the gentleman very frankly. No bill, and I have studied them rather carefully, has passed the House to-day authorizing the expenditure of public moneys but what the report showed that it had been submitted to the Director of the Budget and received his approval. Of course, one individual can not minutely examine all of these bills, but I have undertaken to ascertain that fact from a rather careful study of the bills, and I say that, so far as

I know, no bill has passed the House to-day that has not been submitted to the Director of the Budget.

Mr. LUCE. May I ask the gentleman if this is a new decision on his part, or one that he has followed in the past?

Mr. BLACK of Texas. I have no arbitrary authority in the matter, but I shall certainly exercise my right to object unless a bill involving an appropriation is submitted to the Director of the Budget.

Mr. LUCE. I may inform the gentleman that since I have been chairman of the Committee on the Library I have reported probably 50 or 75 bills without any such approval, and not until two weeks ago was objection ever raised. I wish to inquire whether it is to be the policy of our friend, who so kindly helps us in the matter of watching the bills, to compel every committee of the House to secure approval from the Budget Director for a particular bill involving the appropriation of money?

Mr. BLACK of Texas. I will very frankly answer the gentleman, yes. So far as I am concerned it will be my policy to do that, but not necessarily to follow the recommendation of the Director of the Budget. As long as we have a budget system of government it is but right that these bills should be submitted to the Director of the Budget for his approval or disapproval. After the report on a bill is received from the Director of the Budget, it is then within the discretion of the House to determine whether it will follow the recommendation or overrule it.

Mr. LUCE. I hope my good friend from Texas will be on hand Saturday and listen to the arguments I hope to present on that subject.

Mr. BLACK of Texas. I shall be glad to be here. I am always glad to hear any discussion proceeding from the gentleman from Massachusetts.

Mr. CRAMTON. Since the gentleman from Massachusetts has referred to my suggestion of the other day, let me say that the gentleman from Texas quite well stated what is also my position. On unanimous consent day, when a bill goes through, if at all, with very little discussion, I feel I have the right—although the law does not require it—to avail myself of the opinion of the Budget. The average bill which comes from the committee of which the able gentleman from Massachusetts is chairman, is a bill that is peculiarly related to the work of Congress and over which we have a peculiar control, but when it comes to proposing a donation of \$50,000 to an organization entirely apart from Congress, where we had formerly made a donation that was supposed to cover our full contribution, then I am interested to know what the Budget thinks about it and to have the advantage of their investigation which may be more thorough than I could make.

Mr. LUCE. Of course, this is no time or place to carry on this sort of a discussion.

Mr. CRAMTON. But, Mr. Speaker, I think it is time that I carried on my end of it. Since the gentleman from Massachusetts has twice taken occasion to question the propriety of my course, I think it is about time I had something to say about it.

Mr. CHINDBLOM. Mr. Speaker, the hour of 5 o'clock having arrived, I think it is time to demand the regular order.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

ESTATE OF PETER P. PITCHLYNN

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of S. 1705, for the reason that the Committee on the Judiciary has already considered and reported out a similar bill, H. R. 7824.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of Senate bill 1705, a similar bill having been considered and reported out by the Committee on the Judiciary. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, what is the nature of the bill?

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the title of the bill, as follows:

An act (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, is that one of those bills where a similar House bill being on the Calendar can be called up?

The SPEAKER. The Chair so understands, although the Chair has not examined the bill.

Mr. GARRETT of Tennessee. Then, as I understand, the request is to discharge the Committee on Indian Affairs from the further consideration of the Senate bill and let it take its place on the Speaker's table.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry. Is not this a private bill on the Private Calendar?

Mr. HASTINGS. The gentleman is not calling up the bill now?

Mr. LEAVITT. No.

Mr. DYER. Mr. Speaker, if this request is granted, and if there is no objection, I would like to call up the bill, because the Committee on the Judiciary has reported a bill similar to the one which the Senate has passed.

The SPEAKER. The Chair understands the situation to be that the Judiciary Committee, having reported a similar bill, which is on the calendar, the bill from the Senate having been referred to the Committee on Indian Affairs, if the Committee on Indian Affairs is now discharged, that bill will go back to the Speaker's table and the Senate bill can be taken up by unanimous consent, inasmuch as it is a private bill. The Chair understands the desire is simply to take it up by unanimous consent from the Speaker's table to-morrow.

Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. WAINWRIGHT, indefinitely, on account of death in his family.

Mr. JACOBSTEIN, for one month, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 6, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

Providing that in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia honorably discharged soldiers, sailors, and marines shall have five points added, and all such soldiers, sailors, and marines who because of disability are entitled to pension under the pension laws or to compensation under the World War veterans' act, 1924, shall have 10 points added (H. J. Res. 212).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in

the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A hearing to consider private bills on the committee calendar.

SUBCOMMITTEE OF COMMITTEE ON THE POST OFFICE AND POST ROADS

(11 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry (H. R. 7950 and H. R. 9283).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

A meeting to consider bills on the committee calendar relating to insurance.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 3

(10 a. m.)

To amend section 6 of title 15, chapter 1, of the Code of Laws of the United States of America relating to the forfeiture of property in transit and owned in violation of section 1 thereof, and as amended providing for the forfeiture of property owned or used in violation of section 1, irrespective of whether same is or is not in transit (H. R. 10877).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

396. A letter from the Secretary of the Navy, transmitting draft of a bill proposing to authorize the payment of indemnity in the sum of \$1,000 to Mrs. Fanor Flores, and \$500 to Pedro Flores, wife and father, respectively, of Fanor Flores, for the death of the latter as a result of being accidentally shot by a United States marine at Matagalpa, Nicaragua, on April 27, 1927; to the Committee on Foreign Affairs.

397. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on the cottonseed industry, submitted in pursuance of House resolution 439, Sixty-ninth Congress (H. Doc. No. 193); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 132. A resolution providing for the consideration of S. 2317, an act continuing for one year the powers and authority of the Federal Radio Commission under radio act of 1927; without amendment (Rept. No. 839). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 133. A resolution providing for the consideration of S. J. Res. 47, a joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; without amendment (Rept. No. 840). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDSPETH: Committee on Claims. H. R. 5981. A bill for the relief of Clarence Cleghorn; with amendment (Rept. No. 837). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. H. R. 11014. A bill for the relief of Don C. Fees; without amendment (Rept. No. 838). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11630)

granting a pension to Malissa E. Crouse, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDSON: A bill (H. R. 11755) to establish a border patrol for the more efficient enforcement of laws applicable to the international and maritime borders of the United States; to the Committee on the Judiciary.

By Mr. McSWAIN: A bill (H. R. 11756) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11757) authorizing the Secretary of Commerce to sell at private sale a portion of the Point aux Herbe Lighthouse Reservation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11758) authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 11759) to amend section 202, paragraph 10, of the World War veterans' act to include honorably discharged men of the Regular Army, Navy, and Marine Corps; to the Committee on World War Veterans' Legislation.

By Mr. MAAS: A bill (H. R. 11760) authorizing the Telegraph Hill-Goat Island Bridge Corporation, its successors and assigns, to construct, maintain, and operate a bridge across San Francisco Bay, in the State of California, from a point in the county and city of San Francisco known as Telegraph Hill to a point in San Francisco Bay known as Goat Island (Buena-Yerba), thence eastward to a point at or near the Key Route Fill in Alameda County, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOX: A bill (H. R. 11761) authorizing Charles R. Moore, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Sabine River from a point in Sabine County, Tex., to a point in Sabine Parish, La., at or near Pendeltons Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 11762) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; to the Committee on Military Affairs.

By Mr. EVANS of Montana: Joint resolution (H. J. Res. 226) authorizing an appropriation for the erection of a monument to Leif Erickson; to the Committee on the Library.

By Mr. HOWARD of Nebraska: Joint resolution (H. J. Res. 227) prohibiting any ex-Members of the United States Senate or of the House of Representatives from engaging in the practice of lobbying, for money or other emolument, before any committee of either House of the Congress, or upon the floor of either House, or in any part of the Capitol, or in the Senate Office Building, or in the House Office Building, within the term of two years following the date when any such person shall have served as a Member of the Senate or the House of Representatives of the United States, and providing penalties for violation of this act; to the Committee on the Judiciary.

By Mr. BUTLER: Resolution (H. Res. 131) providing for the consideration of H. R. 11526, a bill to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Senate of Porto Rico, requesting the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico, approved August 18, 1925, and for other purposes, so that Porto Rico may choose its own governor by popular election and obtain complete self-government; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11763) granting a pension to Elizabeth Shelp; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 11764) conferring jurisdiction upon the Court of Claims of the United States or district courts of the United States to hear, adjudicate, and enter judgment on the claim of Roy A. Knabenshue against the United States, for the use or manufacture of an invention of Roy A. Knabenshue, covered by letters patent, No. 858875, issued by the Patent Office of the United States, under date of July 2, 1907; to the Committee on War Claims.

By Mr. GREENWOOD: A bill (H. R. 11765) granting an increase of pension to Cad W. Savage; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11766) granting a pension to William Albin Crow; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 11767) granting an increase of pension to Margaret J. Humbert; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11768) granting a pension to Francis J. Bailey; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11769) granting an increase of pension to Ella B. Craft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11770) granting an increase of pension to Libbie Jump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11771) granting an increase of pension to Hannah Geibig; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 11772) for the relief of Charles Smith; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 11773) for the relief of Margaret A. Twyman; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 11774) for the relief of Barzilla William Bramble, master and managing owner of the ram schooner *Cora Peake*; to the Committee on the Judiciary.

By Mr. MAJOR of Illinois: A bill (H. R. 11775) for compensation in behalf of John M. Flynn; to the Committee on Claims.

By Mr. MONAST: A bill (H. R. 11776) granting a pension to Mary A. Dibble; to the Committee on Pensions.

By Mr. NEWTON: A bill (H. R. 11777) granting a pension to Ella D. Wilkinson; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11778) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.); to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 11779) granting an increase of pension to Ira W. Blevins; to the Committee on Pensions.

Also, a bill (H. R. 11780) granting a pension to Martilla Murrell; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11781) granting an increase of pension to Marietta McMillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11782) granting an increase of pension to Mary J. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11783) granting an increase of pension to Simeon B. Card; to the Committee on Pensions.

Also, a bill (H. R. 11784) granting an increase of pension to Mary A. Tibbetts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11785) granting an increase of pension to Orin O. Pound; to the Committee on Pensions.

Also, a bill (H. R. 11786) granting an increase of pension to Eunice Hurlburt; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 11787) granting an increase of pension to Martha L. Doner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11788) granting a pension to Josephine Sheridan; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11789) granting an increase of pension to Mary Beeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11790) granting an increase of pension to Mary J. Conkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11791) granting an increase of pension to Mary Lawhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11792) granting an increase of pension to Elizabeth Kirker; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11793) to correct the military record of Thomas H. Frost; to the Committee on Military Affairs.

By Mr. WELLER: A bill (H. R. 11794) granting an increase of pension to Emma Cortright; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11795), granting a pension to Rachel J. Paullus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4895. By Mr. BROWNE: Petition of citizens of Waushara County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4896. By Mr. BUCKBEE: Petition of Celia T. McAlister and 121 other citizens of Rockford, Ill., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4897. By Mr. BURTNESS: Petition of board of directors of the North Dakota Wheat Growers Association, representing 23,000 farmers in North Dakota and Montana, relative to activities of Radio Commission and desiring certain definite changes in their practice; to the Committee on the Merchant Marine and Fisheries.

4898. Also, petition of 90 residents of Englevalle, N. Dak., urging support of the Reece bill for aid of rural post roads; to the Committee on Roads.

4899. By Mr. CARLEY: Petition of N. A. Nielsen, 600 Eighty-eighth Street, Brooklyn, N. Y., protesting against House bill 9588; to the Committee on the Judiciary.

4900. By Mr. COLE of Iowa: Petition of E. I. Thompson, of Cedar Rapids, Iowa, and 103 other signers, residents of Cedar Rapids, Iowa, protesting against House bill 78, the compulsory Sunday observance bill, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

4901. By Mr. CRAIL: Petition of Valley Mortgage & Finance Co., of Glendale, Calif., against Senate bill 1752 to discontinue the printing of return notices on stamped envelopes; to the Committee on the Post Office and Post Roads.

4902. Also, petition of George M. Krove and 83 citizens of Tujunga, Calif., urging action on the Tyson-Fitzgerald bill for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

4903. By Mr. CURRY: Petition of citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

4904. By Mr. DOWELL: Petition of residents of Marion County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4905. Also, petition of residents of Marion County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4906. By Mr. EVANS of California: Petition signed by W. H. Richardson and 82 others, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

4907. By Mr. FRENCH: Petition of 24 citizens of Canyon County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

4908. Also, petition of 55 citizens of Washington County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4909. By Mr. GALLIVAN: Petition of Boston Central Labor Union, Harry P. Grages, secretary and business agent, 987 Washington Street, Boston, Mass., urging early and favorable consideration of House bill 10359, the purpose of which is to establish a 44-hour week in the various establishments of the Government; to the Committee on the Civil Service.

4910. By Mr. GARBER: Resolution of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, of National Sanatorium, Tenn., in support of House bill 9138; to the Committee on Pensions.

4911. Also, letter of Employing Printers Association of Oklahoma City, Okla., by Victor E. Harlow, chairman, protesting the enactment of Senate bill 1482 and House bill 7759; to the Committee on the Judiciary.

4912. Also, letter of Builders' Exchange of Oklahoma (Inc.), of Oklahoma City, Okla., by P. W. Tibbs, president, protesting the enactment of Senate bill 1482 and House bill 7759; to the Committee on the Judiciary.

4913. Also, letter of Minnesota Interim Tax Commission, of St. Paul, Minn., by George H. Sullivan, chairman, in regard to State taxation of national banks, Goodwin bill (H. R. 8727); to the Committee on Banking and Currency.

4914. Also, letter of Dean E. Foster, petroleum engineer, Wright Building, Tulsa, Okla., in support of the Newton water resources bill (H. R. 8111); to the Committee on Interstate and Foreign Commerce.

4915. Also, letter of Clara G. Smoot, Red Rock, Okla., in support of Stalker bill (H. R. 9588); to the Committee on the Judiciary.

4916. By Mr. HUDSPETH: Petition of citizens of Tom Green County, Tex., in opposition to Sunday observance bill; to the Committee on the District of Columbia.

4917. By Mrs. KAHN: Petition signed by Mrs. W. S. Leake and other citizens of San Francisco, urging favorable action on House bills 47 and 6518; to the Committee on the Civil Service.

4918. By Mr. KETCHAM: Petition of D. Lam and 18 other residents of South Haven, Mich., urging favorable action upon House bill 78; to the Committee on the District of Columbia.

4919. Also, petition of 14 residents of Allegan County, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4920. Also, petition of Mrs. Lyle Watson and 15 other residents of Dowagiac, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4921. Also, petition of E. M. Phillips and 150 other residents of Benton Harbor, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4922. Also, petition of J. F. Babcock and 84 other residents of Mendon, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4923. By Mr. LANKFORD: Petition of Mrs. D. Watson Winn and others, against Bolshevik propaganda; to the Committee on the Judiciary.

4924. By Mr. LEA: Petition of Mrs. Ray Lockmon and 375 other residents of Sonoma County, Calif.; C. E. Rogers and 54 other residents of Sutter County, Calif.; and Mrs. C. F. Hawkins and 37 other residents of Orland, Calif., protesting against House bill 78, or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4925. By Mr. LINDSAY: Petition of American Association of Masters, Mates, and Pilots, Long Island Harbor, Branch No. 22, registering, in a set of resolutions, a vigorous protest against the passage of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

4926. Also, petition of Radio Retailing Publishing Co., appealing to Congress to enact legislation before March 15 prolonging the life of the Radio Commission, unhampered by unnecessary restrictions; to the Committee on the Merchant Marine and Fisheries.

4927. Also, petition of Brooklyn Chapter, Officers Reserve Association of the United States, approving Thomas amendment restoring deductions from appropriations for corps, as recommended by the House, and approving action of American Legion in connection with appropriation for Navy; to the Committee on Appropriations.

4928. By Mr. LINDSAY: Petition of Travelers' Legislative Committee, National Council of Traveling Salesmen's Associations, praying for a repeal of the war-time Pullman surcharge on the grounds that it is not necessary for carriers' roads not entitled to the surcharge and that they do not need the surcharge; to the Committee on Ways and Means.

4929. By Mr. MEAD: Petition of Property Owners Protective Association, of Kenmore, N. Y., regarding the national origin provision of the immigration law; to the Committee on Immigration and Naturalization.

4930. By Mr. MOONEY: Petition of sundry citizens of Cleveland, Ohio, protesting Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4931. By Mr. MORROW: Petition of Albuquerque Game Protective Association, R. G. Sutherland, secretary (New Mexico), indorsing public shooting ground and game refuge bill; to the Committee on Agriculture.

4932. By Mr. O'CONNELL: Petition of Brooklyn Chapter, Reserve Officers Association of the United States, favoring the Thomas amendment to the Senate bill restoring the deductions from the appropriation as recommended by the House of Representatives; to the Committee on Naval Affairs.

4933. Also, petition of William Best, Kansas City, Mo., an appeal in behalf of those Federal employees who were retired in 1920; to the Committee on the Civil Service.

4934. Also, petition of the National Council, Traveling Salesmen's Association of New York, favoring the passage of Senate bill 668, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

4935. By Mr. OLDFIELD: Petition of C. F. Greer et al., Maynard, Ark., favoring legislation establishing a moratorium for the payment of drainage bonds; to the Committee on Agriculture.

4936. By Mr. PALMER: Memorial of Rev. W. L. Gallenkamp, pastor Zion Lutheran Church, Frackville, Pa., protesting against legislation which would interfere with stamped envelopes with return cards; to the Committee on the Post Office and Post Roads.

4937. By Mr. SELVIG: Petition of L. Langhus and 45 farmers of Shelly, Minn., and vicinity, protesting against any measure leading to militarism and war; to the Committee on Foreign Affairs.

4938. By Mr. SHALLENBERGER: Petition of citizens of Nebraska against House bill 78; to the Committee on the District of Columbia.

4939. By Mr. SINNOTT: Petition of 49 citizens of La Grande, Oreg., and vicinity, protesting against the enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4940. Also, petition of numerous citizens of Hermiston, Umatilla County, Oreg., protesting against House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4941. By Mr. STALKER: Petition of George R. Downing, of Watkins Glen, N. Y., and other Civil War veterans of that vicinity, urging the enactment of legislation for additional pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4942. Also, petition of Mrs. Leon Howard, of Owego, N. Y., and sundry citizens of that vicinity, protesting against House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4943. By Mr. STEELE: Petition of 42 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4944. Also, petition of 36 citizens of De Kalb and Fulton Counties, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4945. Also, petition of three citizens of Atlanta, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4946. By Mr. SWING: Petition of residents of Ramona, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4947. Also, petition of citizens of Orange County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4948. Also, petition of residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4949. By Mr. TAYLOR of Colorado: Petition from citizens of Olathe, Colo., protesting against House bill 78, or any other legislation for the compulsory Sunday observance; to the Committee on the District of Columbia.

4950. By Mr. WELSH of Pennsylvania: Petition of residents of sixth Pennsylvania district, in support of House bill 6518, providing for minimum rate of pay for Government employees, and House bill 492, providing for the abolition of the Personnel Classification Board and transfer of its functions to Civil Service Commission and extension of classification to field service; to the Committee on the Civil Service.

4951. By Mr. WELCH of California: Petition submitted by the United States Employees' Association of California, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

4952. Also, petition submitted by the Federal Custodian Service Association, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

TUESDAY, March 6, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Lord most high, who art our life, our strength, and our joy, our ever-present helper and defender, look with loving mercy upon our country, for if Thou be with us none can be against us. Guide us this day unto a better knowledge of Thy will, and send down upon us, for our present need, the dew of Thy heavenly grace. May Thy servants, who have been called to administer the affairs of this Nation, daily make choice of spiritual integrity amid the corruption that is in the world; through the lust of power or repute, that being unafraid in contending for the right, and reverent at the threshold of achievement, they may show forth the spirit of Him who gave Himself for the world, Jesus Christ, Thy Son, our Lord. Amen.